

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name: Romance Avenue Abandonment			
Project Description: Abandon the southerly half of Romance Avenue west of Lakeshoe Blvd./Nevada State Highway 28			
Project Address: 1713 Lakeshore Blvd., Incline Village, Nv			
Project Area (acres or square feet): 3,231 s.f.			
Project Location (with point of reference to major cross streets AND area locator): Approximately 1,900 feet south along Highway 28 from the southerly intersection of Highway 28 and Lakeshore Blvd. in Incline Village, NV			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
130-331-05	7,623 s.f.		
Section 26, T.16 N., R, 18 E.			
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Lee Herz Dixon		Name: Art O'Connor	
Address: 14080 Edmands Drive		Address: P. O. Box 10307	
Reno, Nevada	Zip: 89511	Reno, NV	Zip: 89510
Phone: 775-853-2891	Fax: None	Phone: 775-851-7335	Fax: None
Email: user645137@aol.com		Email: art@oceng.com	
Cell: 775-745-2263	Other:	Cell: 775-851-7335	Other:
Contact Person: Lee Herz Dixon		Contact Person: Art O'Connor	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Same as Owner		Name:	
Address:		Address:	
	Zip:		Zip:
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Property Owner Affidavit

Applicant Name: Lee Herz Dixon

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, Lee Herz Dixon

(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true, and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Building.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 130-331-05

Printed Name Lee Herz Dixon

Signed *Lee Herz Dixon*

Address 14080 Edmands Drive

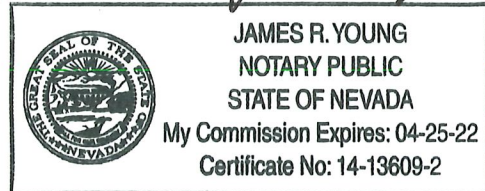
Reno, Nevada 89511

Subscribed and sworn to before me this 7th day of October, 2019

Washoe County, Nevada
Notary Public in and for said county and state

My commission expires: 04-25-22

(Notary Stamp)
James R. Young



*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

Abandonment Application Supplemental Information

(All required information may be separately attached)

1. What and where is the abandonment that is being requested?

The southerly half of the portion of Romance Avenue west of Lakeshore Blvd./Nevada State Highway 28

2. On which map or document (please include with application) is the easement or right-of-way first referenced?

Tract Map No. 109

3. What is the proposed use for the vacated area?

Resolve the encroachment of a portion of the existing deck onto the right-of-way for Romance, which has never been improved.

4. What replacement easements are proposed for any to be abandoned?

The northerly portion of this section of Romance will be improved with the installation of Turfstone pavers in the existing access driveway to the existing IVGID lift station. The lift station will be fenced for security. A Turfstone pathway to a new public pier will be constructed around the lift station enclosure.

5. What factors exist or will be employed to prevent the proposed abandonment from resulting in significant damage or discrimination to other property in the vicinity?

The existing dirt pathways and driveways on the northerly portion of this section of Romance will be protected with Turfstone to prevent erosion.

6. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the abandonment request? (If so, please attach a copy.)

* Yes

* NoX

IMPORTANT

NOTICE REGARDING ABANDONMENTS:

To the extent that Washoe County does not own the easements in question, it cannot abandon them. Therefore, an abandonment request is in effect a "quitclaim" by the County of whatever interest it might have in the easements in favor of the owners who applied for the abandonment. For example, if the abandonment is approved by Washoe County and recorded, it will likely affect the allowable building envelope on the property, to the benefit of the applicant. However, even if the abandonment is approved, it should not be construed as an assertion by the County of ownership over the easements in question. To the extent other property owners nearby or other entities might have any ownership interests in these easements, an approved abandonment by the County does not affect those interests and the property owners associated with this abandonment are responsible for utilizing whatever legal mechanisms are necessary to address those interests on their own.

Washoe County Treasurer
Tammi Davis

Washoe County Treasurer
P.O. Box 30039, Reno, NV 89520-3039
ph: (775) 328-2510 fax: (775) 328-2500
Email: tax@washoecounty.us

Bill Detail

[Back to Account Detail](#)

[Change of Address](#)

[Print this Page](#)

Washoe County Parcel Information		
Parcel ID	Status	Last Update
13033105	Active	10/18/2019 2:07:50 AM
Current Owner: DIXON, RICHARD M & LILLIAN H 14080 EDMANDS DR RENO, NV 89511		SITUS: 1713 LAKESHORE BLVD INCLINE VILLAGE NV
Taxing District 5200	Geo CD:	
Legal Description		
Block G Lot 5 Range 18 SubdivisionName ROCKY POINT SUBDIVISION AMD Township 16 Section 26		

Installments						
Period	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	8/19/2019	2019	\$0.00	\$0.00	\$0.00	\$0.00
INST 2	10/7/2019	2019	\$0.00	\$0.00	\$0.00	\$0.00
INST 3	1/6/2020	2019	\$4,174.96	\$0.00	\$0.00	\$4,174.96
INST 4	3/2/2020	2019	\$4,174.96	\$0.00	\$0.00	\$4,174.96
Total Due:			\$8,349.92	\$0.00	\$0.00	\$8,349.92

Tax Detail			
	Gross Tax	Credit	Net Tax
Incline Recreati	\$705.00	\$0.00	\$705.00
Incline Village	\$586.39	\$0.00	\$586.39
North Lake Tahoe 2	\$2,911.56	\$0.00	\$2,911.56
State of Nevada	\$786.78	\$0.00	\$786.78
Washoe County	\$6,440.99	\$0.00	\$6,440.99
Washoe County Sc	\$5,269.14	\$0.00	\$5,269.14
LAKE TAHOE WATER BASIN	\$0.13	\$0.00	\$0.13
Total Tax	\$16,699.99	\$0.00	\$16,699.99

Payment History				
Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2019	2019101551	B19.139705	\$4,174.97	10/17/2019
2019	2019101551	B19.80071	\$4,175.10	8/26/2019

Pay By Check

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
P.O. Box 30039
Reno, NV 89520-3039

Overnight Address:
1001 E. Ninth St., Ste D140
Reno, NV 89512-2845

Change of Address

All requests for a mailing address change must be submitted in writing, including a signature (unless using the online form).

To submit your address change online [click here](#)

Address change requests may also be faxed to: (775) 328-3642

Address change requests may also be mailed to: Washoe County Assessor 1001 E 9th Street Reno, NV 89512-2845

ABANDONMENT
OF
SOUTHERLY PORTION OF ROMANCE
AVENUE
FOR
RICHARD AND LEE HERZ DIXON
OCTOBER 2019

INTRODUCTION

Romance Avenue is located between Incline Village and Sand Harbor State Park (see Fig. 1). The site is reached by taking Nevada State Highway 28 (Lakeshore Drive) south from Incline Village. The Highway intersects Romance Avenue in the Rocky Point Subdivision (see Fig. 2). The Highway right-of-way creates a single row of lots in the subdivision between the Highway and Lake Tahoe (see Fig. 3). There is a short portion of the right-of-way of Romance Avenue between the Highway and Lake Tahoe (see Fig. 4). This portion of Romance Avenue is the subject of this Abandonment Application.

Romance Avenue was created when the subdivision map for the Rocky Point Tract was filed on 9 September 1908 as Tact Map No. 108 (see Fig. 5). Anecdotal evidence indicates that the Civil Engineer who prepared that map, S. A. Hibbard, never actually visited the site before the map was recorded. Instead, he prepared the map based on the owners' representation that the site was gently sloping. In fact, the average slope of the site is approximately 40% toward Lake Tahoe (see Fig. 6). The lot-and-block division depicted on Map No. 108 is not practical for this type of terrain. Due to that fact, none of the roads in the subdivision have ever been improved. Only State Highway 28 (shown as Railroad Avenue on Map No. 108) is improved. None of Romance Avenue has ever been constructed as a public right-of-way. The rationale behind Mr. Hibbard's extension of Romance Avenue west past the intersection with Pinenut Court to the shore of Lake Tahoe is unknown. It is possible that 50 ft. by 80 ft. paper lot that would have been created was deemed too small. Possibly, Mr. Hibbard did not want to spoil his (essentially) rectangular lot-and-block layout with L-shaped lots.

On 9 October 1933, an Amended Rocky Point Subdivision was recorded as Tract Map No. 236 (see Fig. 7). It appears that this map was primarily recorded to reflect the actual alignment of State Highway 28 through the subdivision. Although the map was only signed by the original subdivision developer, Overland Realty Company, the map indicates that a majority of the lots had been transferred to other entities. While Map No. 236 deleted Pinenut Court and realigned the lakefront lots and the lots adjacent to the easterly right-of-way of Highway 28, the alignment of Romance Avenue was not changed. Again, it appears that the Civil Engineer who signed the map, Dale B. Pruett, did not perform an actual survey of the property. Instead, the new alignment appears to be based on a survey by the U. S. Bureau of Public Roads of Highway 28. The south right-of-way of Romance Avenue and all the lakefront lots south of Romance have no north-south dimensions. Recent field surveys of those lots indicate that the actual on-the-ground distances are significantly less than the scaled distances depicted on the map.

Neither Tract Map No. 108 nor Tract Map No. 236 offer any of the roads in the subdivision for dedication to Washoe County. While Map No. 236 deletes a road created by Map No. 108 (Pinenut Court), there is no jurat on the map which indicates that any government official consented to or approved the realignment. There is also no language on the maps reserving the roads as common area or private streets. In accordance with State Law in effect at that time, showing a road on a map was tantamount to dedicating it when the map was recorded. Therefore, Washoe County is the owner of Romance Avenue.

Previously, Washoe County has abandoned three portions of the roads shown on Tract Map No. 236. In 1996 the portion of Reno Avenue west of Highway 28 was abandoned in Case No. AB10-14-96. The Stienheimers (A.P.N. 130-331-12 & -13) acquired the portion of Twain

Avenue west of Highway 28 in 2002 with Case No. AB08-002. On the portion of Romance Avenue east of Highway 28, the adjacent property owners (A.P.N. 130-332-12 & -13) had constructed portions of their residences on that segment. Washoe County abandoned that portion of Romance with Case No. AB12-001. These previous abandonments are in Appendix C. It is important to note that the County did not receive any compensation for any of these abandonments. In Cases No. AB10-14-96 and AB08-002, an easement for the public to access the Lake was reserved, but no improvements were required to be constructed. In AB12-001, no easements were reserved and no improvements were required.

EXISTING CONDITIONS

Due to the inaccessibility of the majority of the lots, only ten dwellings have been constructed on the sixty-eight lots shown on Map No. 236. The majority of the remaining 58 lots east of Highway 28 have been conveyed to the State of Nevada or the Federal Government. Only 12 private owners remain. Physical access to those lots is via Tunnel Creek Road, which follows the right-of-way for "5th Street" between Blocks C and D.

West of Highway 28 the owners are listed in the table below:

A.P.N.	ADDRESS	OWNER	COMMENT
130-331-08	1705 Lakeshore Drive	Miller	Includes abandoned Reno Ave.
130-331-02	1707 Lakeshore Drive	Powers	
130-331-03	1709 Lakeshore Drive	Bisnar	
130-331-04	1711 Lakeshore Drive	State of Nevada	Storm drain treatment
130-331-05	1713 Lakeshore Drive	Dixon	Applicant
130-331-06	1715 Lakeshore Drive	Finney	
130-331-12	1717 Lakeshore Drive	Steinheimer	
130-331-13	"0" Lakeshore Drive	Steinheimer	Includes abandoned Twain Ave.

Along the east side of Highway 28, the private owners are:

A.P.N.	ADDRESS	OWNER	COMMENT
130-332-13	1708 Lakeshore Drive	Herz	Includes abandoned Romance Ave.
130-331-12	1710 Lakeshore Drive	Callahan	Includes abandoned Romance Ave.
130-331-10	1712 Lakeshore Drive	Pryor	
130-331-11	"0" Lakeshore Drive	McComas	No dwelling, vacant

Herz and Callahan use a common driveway, located on a portion of what used to be Romance Avenue east of the Highway before the County abandoned it, to access their property. The terrain is so steep that Pryor has no driveway and must park vehicles on the Highway.

In the mid 1970's, Incline Village General Improvement District (IVGID) extended sewer service to the area. There is an IVGID sewer lift station located in the northwest corner of Romance Avenue (see Fig. 14). The lakefront properties south of Romance gravity feed into the lift station via a sewer line that crosses Lee Dixon's property in an easement.

In 2005, IVGID extended their public water system to Rocky Point. Previously, all of the dwellings obtained their water via individual pumps with inlets located in Lake Tahoe. The properties on the east side of Highway 28 ran their water lines and the power for their pumps under the Highway and along the southern boundary of Romance Avenue to the Lake. All of these water lines to the Lake were required to be removed after connection to the IVGID system.

As explained in the Introduction, unlike today's subdivisions, Rocky Point Subdivision was never surveyed to set the property corners and street monuments. Most of the construction in the subdivision was done without the benefit of a proper survey. As a consequence, in 1970, Lee Dixon's Father conveyed a five foot strip of land along his southern border to his neighbor in order to correct an encroachment problem. Beginning in the 1930's, Lee Dixon's Father began construction on the property. The residence was constructed in at least three stages. Decks and a storage shed north of the residence were also constructed. In the late 1990's, Lee Dixon decided to renovate the residence. As part of the process, a topographic map was prepared by Spyglass Surveying, dated 9 October 1996. That map indicated that portions of the existing residence

intruded into the setbacks required by Washoe County Ordinances. More importantly, it also indicated that most of the storage shed and a significant portion of the main deck extended into the right-of-way for Romance Avenue. Another topographic map, prepared by Kenneth F. Barrow, PLS, dated 20 June 2000, confirmed the 1996 findings.

The Dixons applied to the Tahoe Regional Planning Agency (TRPA) for a permit to renovate the existing residence. As part of the renovation, a Land Coverage Capability Verification was conducted by TRPA (see Appendix B). Note that, for new construction, only 1% of the lot area may be covered due to the Class 1a/1b designation. Therefore, the renovation converted some of the grandfathered existing coverage into new residence area. As part of the renovation, the residence was realigned so that none of it intrudes into the existing setbacks. The structural portion of the main deck was not modified; only the deck surface was replaced. So, the existing deck still extends into the right-of-way for Romance Avenue. This encroachment will be eliminated by this Abandonment.

In addition to their water lines, the three property owners on the east side of Highway 28 constructed decks on the rocks at the shore of Lake Tahoe in the Romance Avenue right-of-way. The decks are well-maintained and have cranes for raising and lowering small boats (see Fig.15).

BENEFITS OF ABANDONMENT

Since this portion of Romance Avenue is not used as a public right-of-way, the main benefit for Washoe County would be to return the property to the tax roles. Lee Dixon proposes to improve the northerly half of Romance Avenue with public access and a public deck along the shore of Lake Tahoe. In order to accomplish this, the following actions are proposed to occur at the same time:

1. Washoe County abandons the parcel
2. Using a Record of Survey - Reversion to Acreage, the parcel is combined with Lee Dixon's current parcel
3. Easement deeds and agreements are recorded to permit IVGID to access and maintain the sewer lift station and the sewer lines. (See Appendix E)
4. The property owners will execute hold harmless and fiscal responsibility agreements.

After the Abandonment, Lee Dixon will apply to the Tahoe Regional Planning Agency and Washoe County for permits to construct a private floating dock to replace the previous one removed as part of the new house construction in 2009. She will also apply for TRPA and Washoe County permits to construct the improvements on the northerly half of Romance, as shown on the plan in Appendix F. That plan proposes the following work:

1. Remove the existing decks, stairs and pathways thereto from the southerly half of Romance Avenue. These facilities were constructed without the benefit of any permits and do not meet current building code requirements for structural integrity or safety. They will be replaced with new facilities to be constructed on the northerly half of Romance

Avenue.

2. Install Turfstone pavers in the existing access driveway to the existing IVGID lift station on the northerly half of Romance Avenue. This driveway will become the public access to the new lakeside deck to be constructed on the northerly half of Romance Avenue.
3. Install 6-foot high chain link security fencing around the existing lift station.
4. Install backup generator for existing lift station. Currently, if power is lost for a significant time, the lift station could overflow into Lake Tahoe.
5. Construct new access stairs to lakeside deck to replace structures removed in Item 1 above. Since this structure will conform to current building codes, these new facilities will become public access to the Lake.
6. Construct new 4-foot brown chainlink fence along the new northerly Dixon property line and along the highway right-of-way on the Dixon property line.
7. Plant pyracantha bushes along Dixon side of fence in Item 6 above to provide privacy shielding for the Dixons.
8. Replace existing non-compliant Lake access under existing Dixon elevated deck with code-compliant floating dock, access stairs and gangway. This structure replaces the old dock removed during the construction of the new residence and garage in 2009.

All the above work will be constructed at no cost to Washoe County.



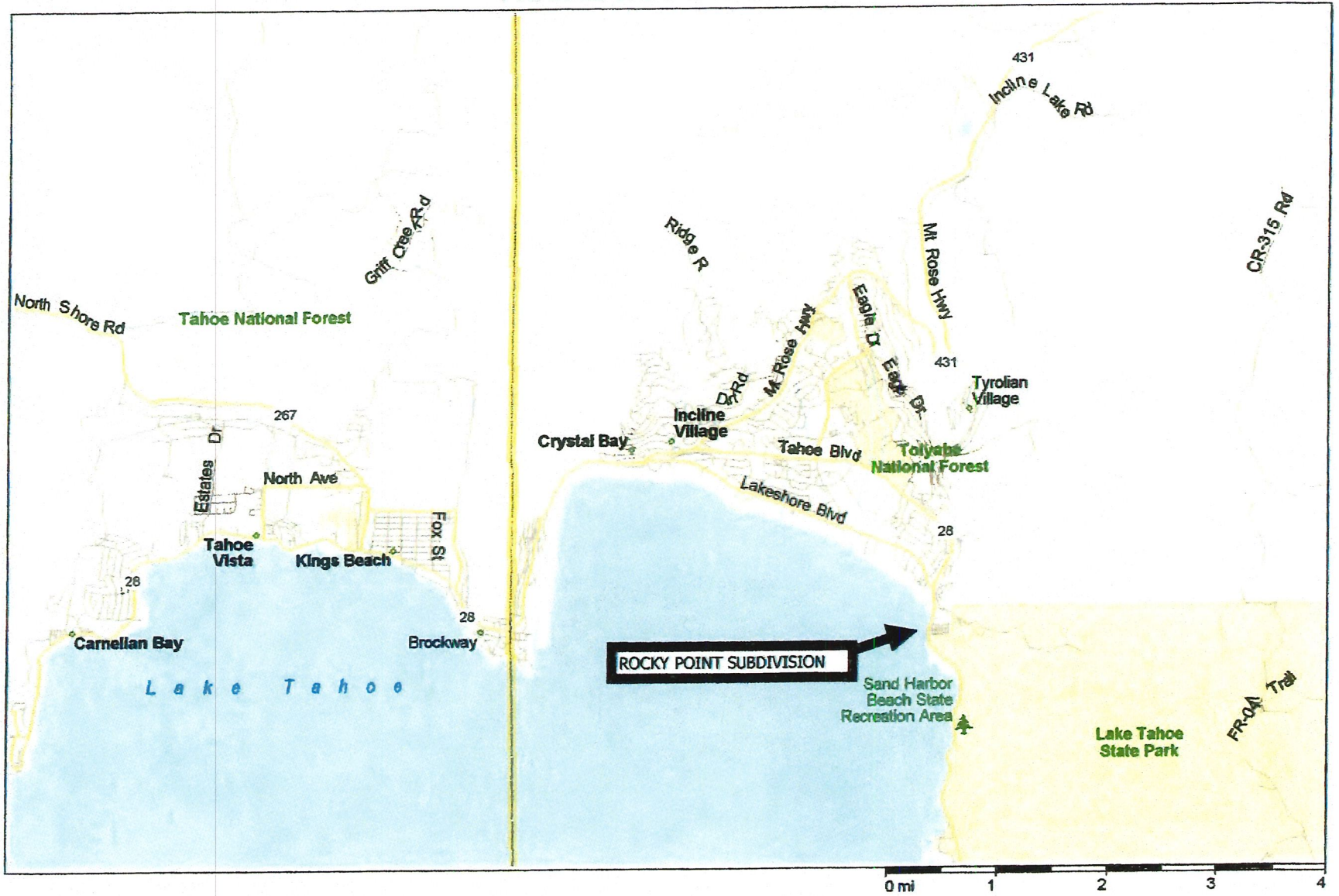
APPENDIX A

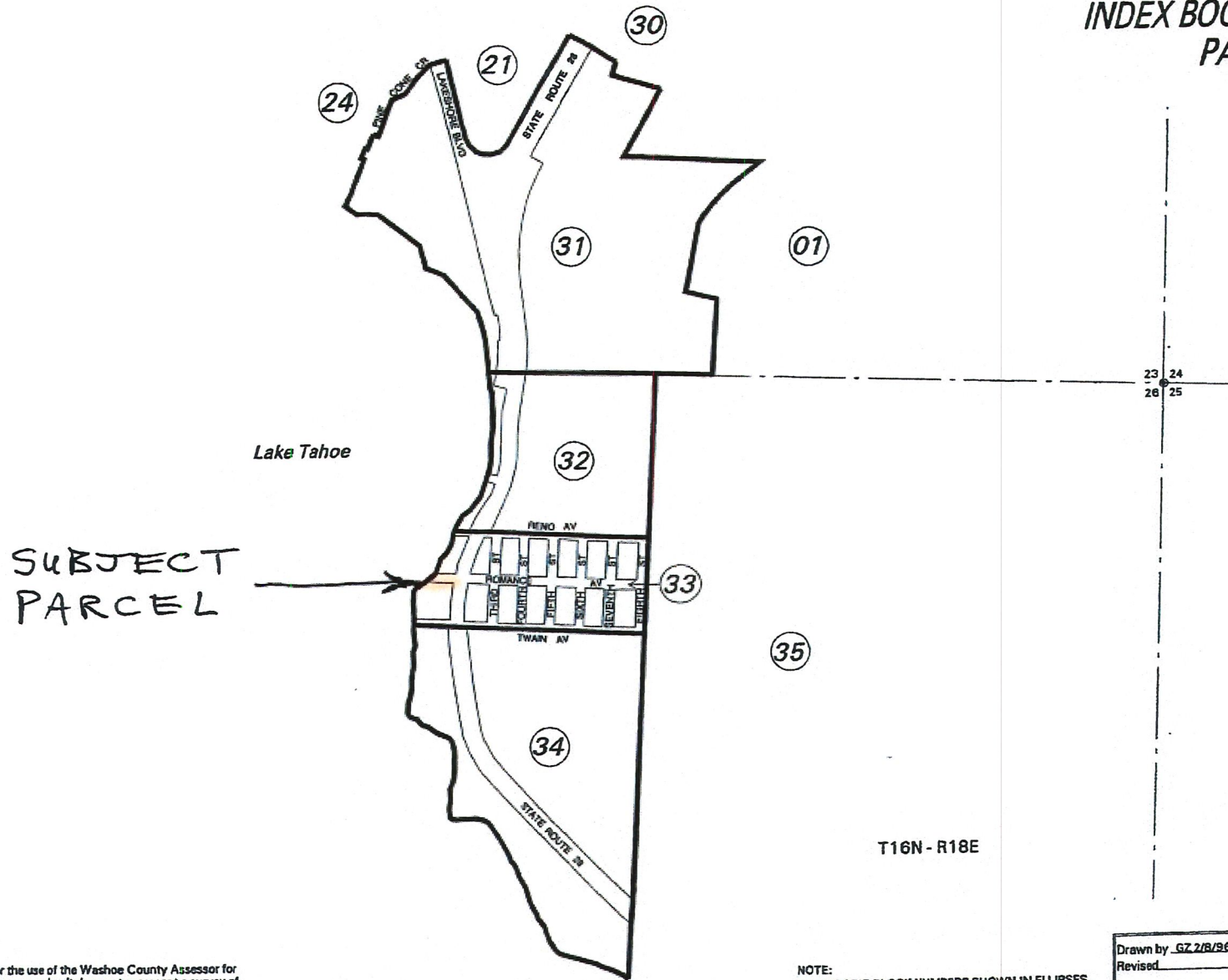
FIGURES

LIST OF FIGURES

NO.	DESCRIPTION
1	Location Map
2	Assessor's Map Index Page
3	Aerial Photo
4	Assessor's Parcel Map
5	Tract Map No. 108
6	Topographic Map of Rocky Point area
7	Tract Map No. 236
8	A.P.N. 130-331-03 & -02 "Community" pier
9	A.P.N. 130-331-05, Dixon residence
10	A.P.N. 130-331-04, State of Nevada storm drain outfall
11	A.P.N. 130-332-10, Pryor residence
12	A.P.N. 130-332-12, Callahan residence
13	A.P.N. 130-332-13, Herz residence
14	IVGID lift station
15	Existing decks on Romance Avenue
16	Abandoned area legal

FIGURE 1: LOCATION MAP





NOTE: This map is prepared for the use of the Washoe County Assessor for assessment and illustrative purposes only. It does not represent a survey of the premises. No liability is assumed as to the sufficiency or the accuracy of the data delineated hereon.

Office of Washoe County Assessor, Nevada - Robert W. McGowan

NOTE:
ASSESSOR'S BLOCK NUMBERS SHOWN IN ELLIPSES
ASSESSOR'S PARCEL NUMBERS SHOWN IN CIRCLES

Drawn by GZ 2/8/96
Revised _____

Figure 2

Romance Abandon

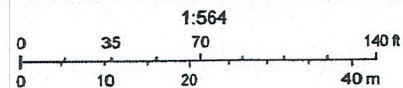


October 14, 2019

APN

Figure 3

Note: GIS property lines incorrect.
 Shifted approx. 10 ft. east &
 3 ft. north



Washoe County
 Washoe County GIS
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,
 CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User
 Community

This information for illustrative purposes only. Not to be used for boundary resolution
 or location and not intended to be used for measurement, calculation, or delineation.

Washoe County Technology Services - Regional Services Division, 1001 E. 9th St. Building C-200, Reno, NV 89512 www.washocounty.us/gis (775) 328-2345

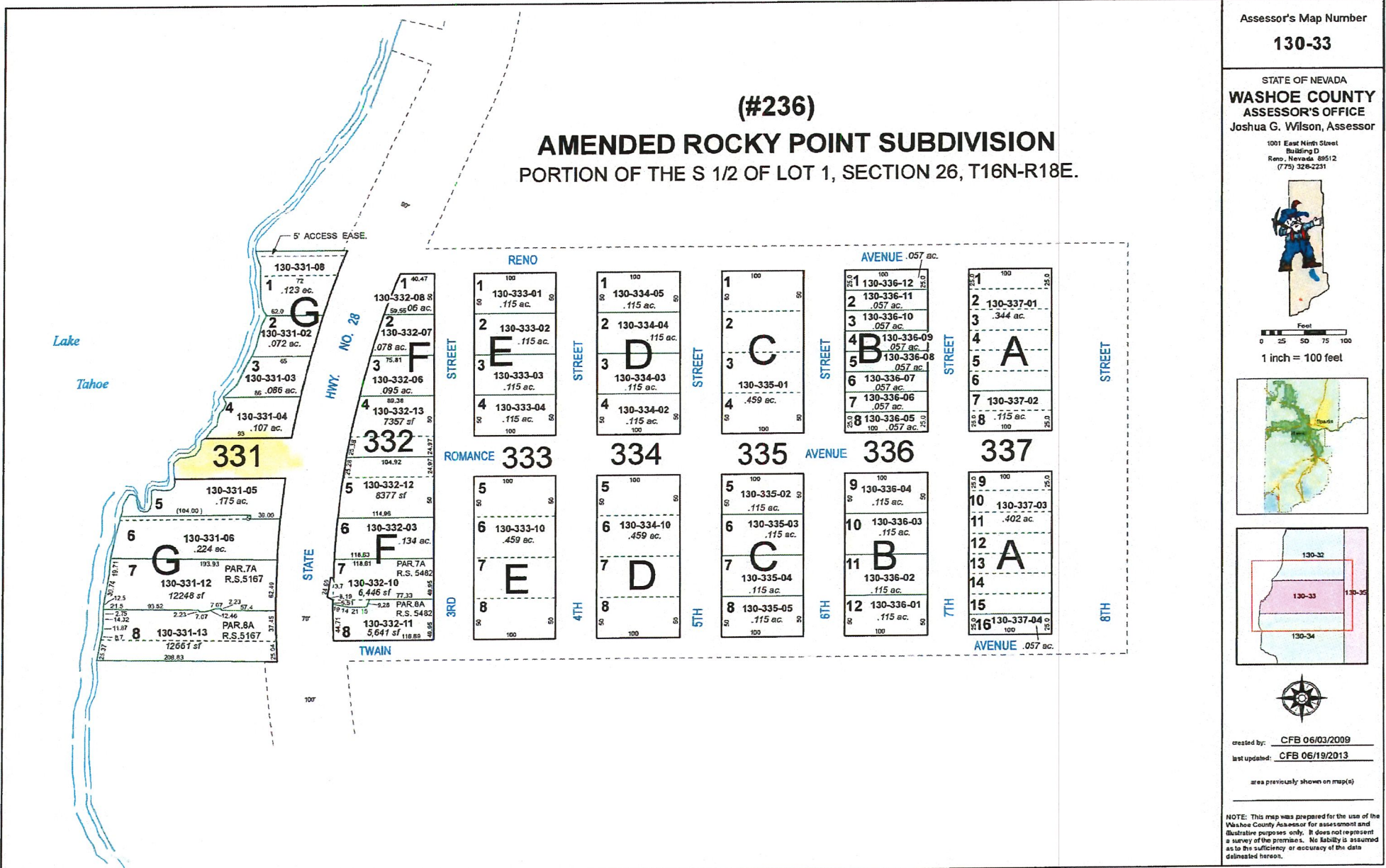


Figure 4

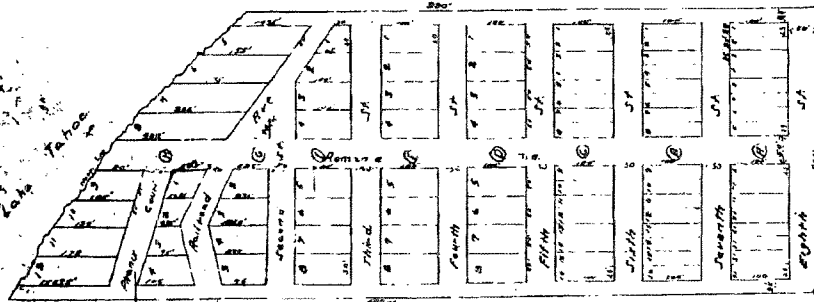
On this 8 day of August A.D. 1908 before me Notary Public in and for said Washoe County personally appeared I.D. Hubbard, the owner of the above named map and plat, and duly acknowledged that they executed the same freely, voluntarily and for the use and purpose there in mentioned.

WITNESS my hand and official seal of Mine in said County this day and year in the certificate first above written.

Dwight C. Turner
Notary Public Washoe County Nevada

108

I, S.R. Hubbard being first duly sworn depose and say that I am a Civil Engineer and that in said plat the above plat of Rocky Point in accordance with a survey executed by me and that said Rocky Point is situated in the Township of ...



This is to certify that the Overland Building and Realty Co. is the owner and proprietor of the tract of land as represented on this map or plat and that the same is being executed in compliance with and subject to the provisions of the Act authorizing same to lay out and plat said land, to erect, alter, and place and provide for the approval and filing of map and plat thereof.

Overland Building and Realty Co.
Attest: [Signature]
Notary Public Washoe County Nevada

Rocky Point Tract, Lake Tahoe.

Overland Building and Realty Co. Agents, Reno
Southern Calif., Successors, R. 108

Filing No. 6282. Filed for record at request of Overland Building and Realty Co., Sept. 9, 1908, at 12 o'clock, P. M. and recorded in Vol. 2 of Maps and Plats, at page 115, Records of Washoe County, Nevada.

[Signature]
County Recorder

I approved this plat of land
Sept. 11, 1908

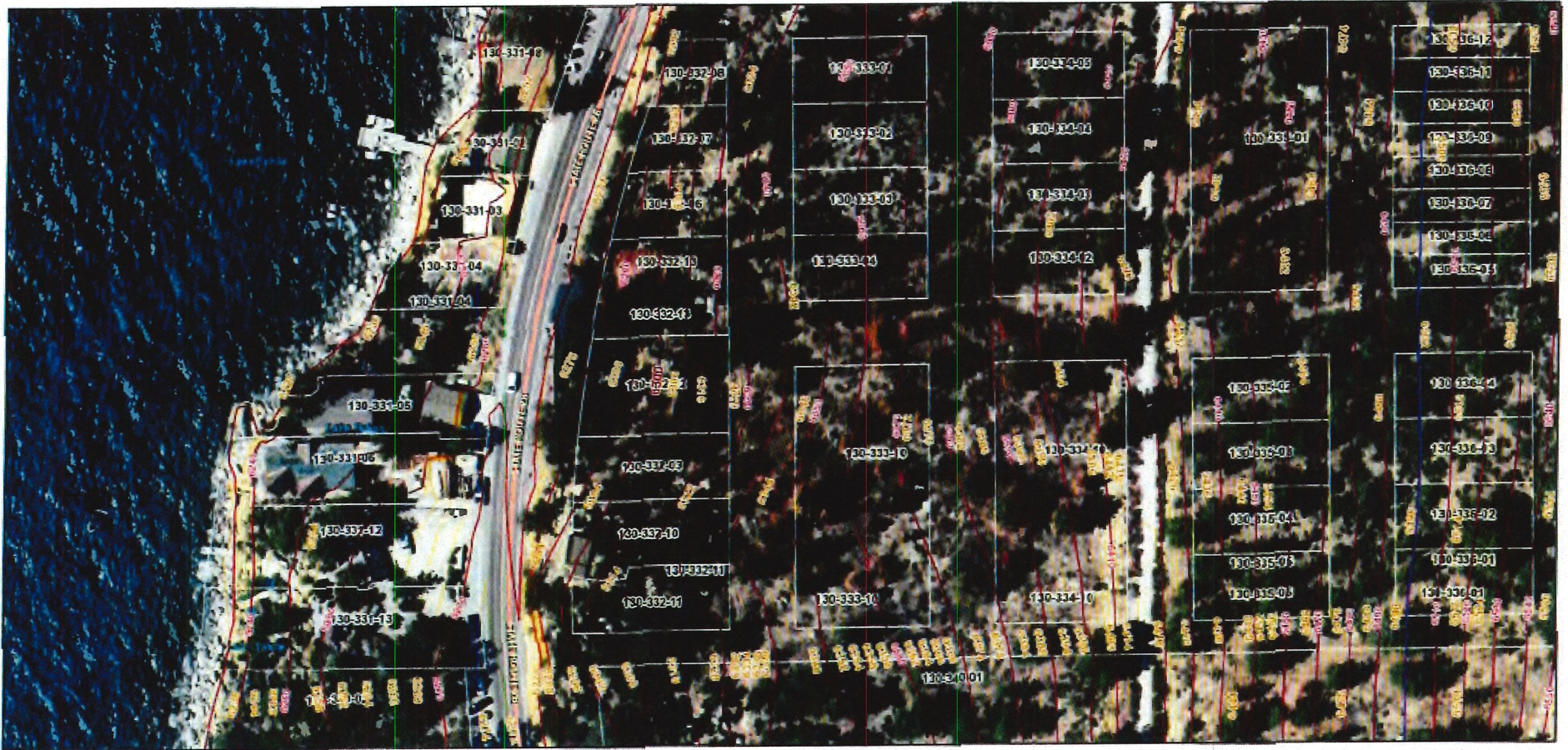
[Signature]
Notary Public Washoe County Nevada

Attest:
[Signature] Clerk
[Signature] Deputy

CLAUDE B. LAMAR
FOR AND SUBSTITUTED
FOR ANS. SUBSTITUTED
CHANGES TO THE LAW

Figure 5

Rocky Point Topo



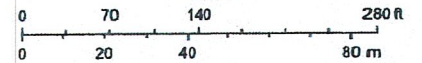
October 14, 2019

APN

Figure 6

Note: GIS Property lines incorrect.
 shifted approx. 10ft east &
 3ft north

1:1,128

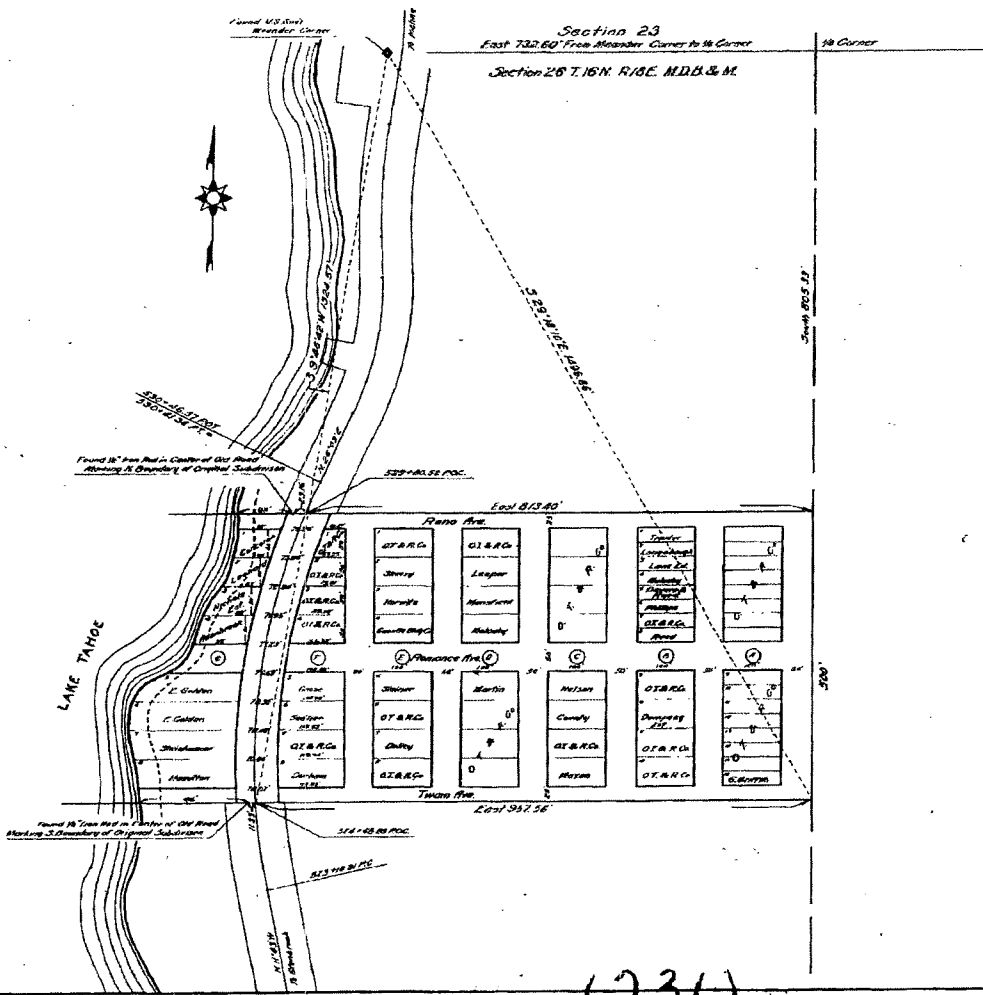


Washoe County
 Washoe County GIS
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,
 CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User
 Community

This information for illustrative purposes only. Not be used for boundary resolution
 or location and not intended to be used for measurement, calculation, or definition.

Washoe County Technology Services - Regional Services Division, 1001 E. 9th St. Building C-200, Reno, NV 89512 www.washoecounty.us/gis (775) 328-2345

236



STATE OF CALIFORNIA } ss.
 County of Marin. }
 This is to certify that the Overland Realty Company is the owner and proprietor of the tract of land represented on this map and the same is hereby executed in compliance with the Act authorizing owners of land to lay out and plat such lands into streets, alleys, lots and public places and providing for the approval of said plat thereof.
 OVERLAND REALTY COMPANY
 By W. F. Sargent president
 By R. R. Sargent secretary

Subscribed and sworn to before me this 16 day of August 1933
Henry F. Volking a notary public in and for the County of Marin State of California. My commission expires July 14, 1934
Henry F. Volking

STATE OF NEVADA } ss.
 County of Washoe }
 I, John B. Plummer being duly sworn, depose and say that I am a civil engineer and in that capacity prepared the amended plat of the Rocky Point Public Roads, and that to the best of my knowledge and belief said map is a true and correct map of said survey and that said Rocky Point Subdivision is situated fractional 3/4 of Lot No. 1 of Section 26 T. 16N. R. 18E. MDB & M. in Washoe County Nevada.
John B. Plummer

Subscribed and sworn to before me this 17 day of August 1933
W. J. Holcomb a notary public in and for the County of Washoe State of Nevada. My commission expires June 3, 1935
W. J. Holcomb

Approved and accepted this 2 day of October 1933 by
 of Washoe County, State of Nevada
 WASHOE COUNTY CLERK
Wm. Kelly
 Clerk
 ATTEST: W. J. Holcomb
 Notary Public
 Member
J. J. Taylor
 Member

Filing No. 63415
 filed for record at the request of the Overland Realty Company on 17 day of August 1933, at 5:57 min. past 7 o'clock A.M.
Allen D. Blythe
 County Recorder in and for
 Washoe County, Nevada.

(236)

Figure 7



Figure 8



Figure 9



Figure 10

Figure 11

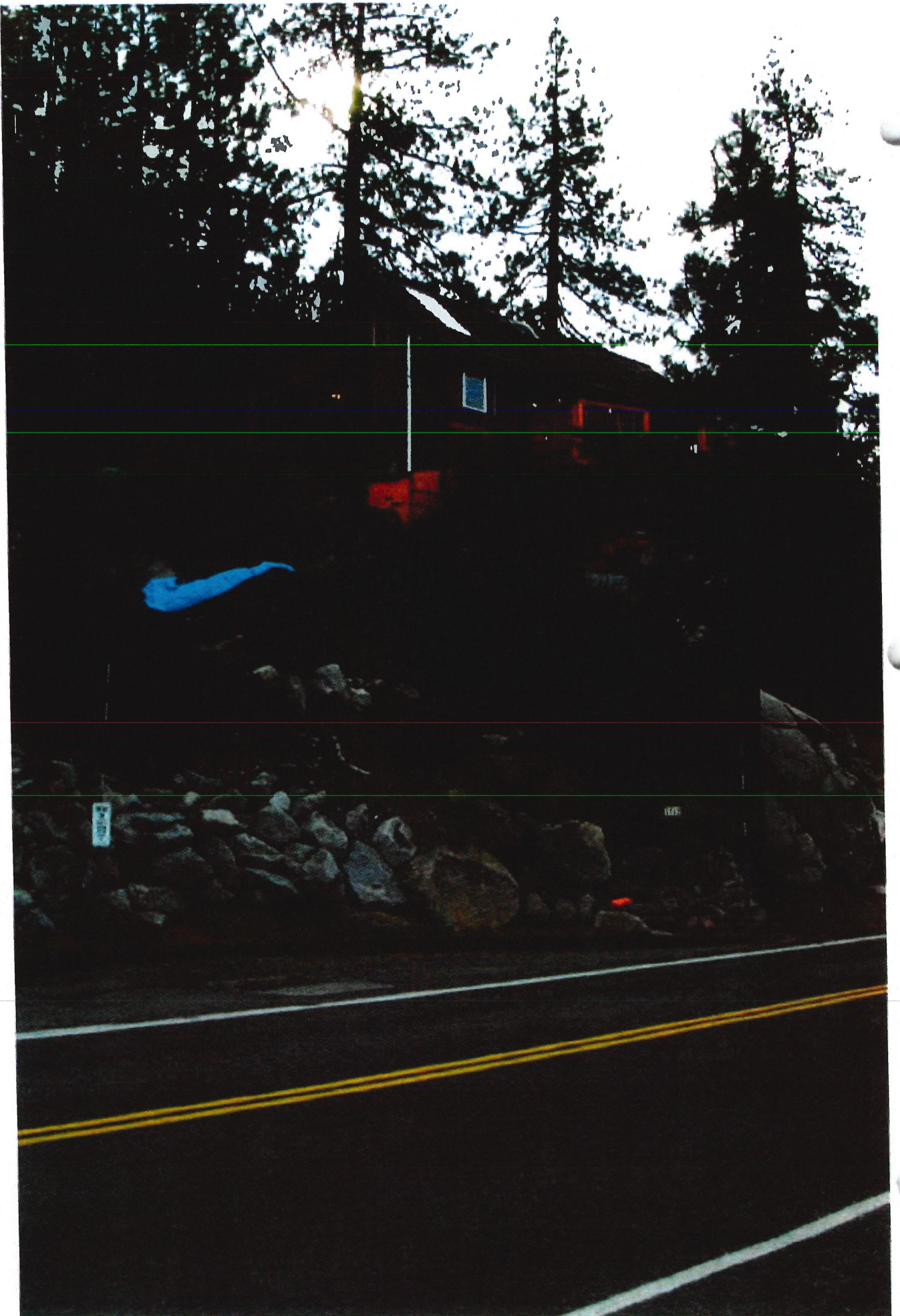




Figure 12

Figure 13

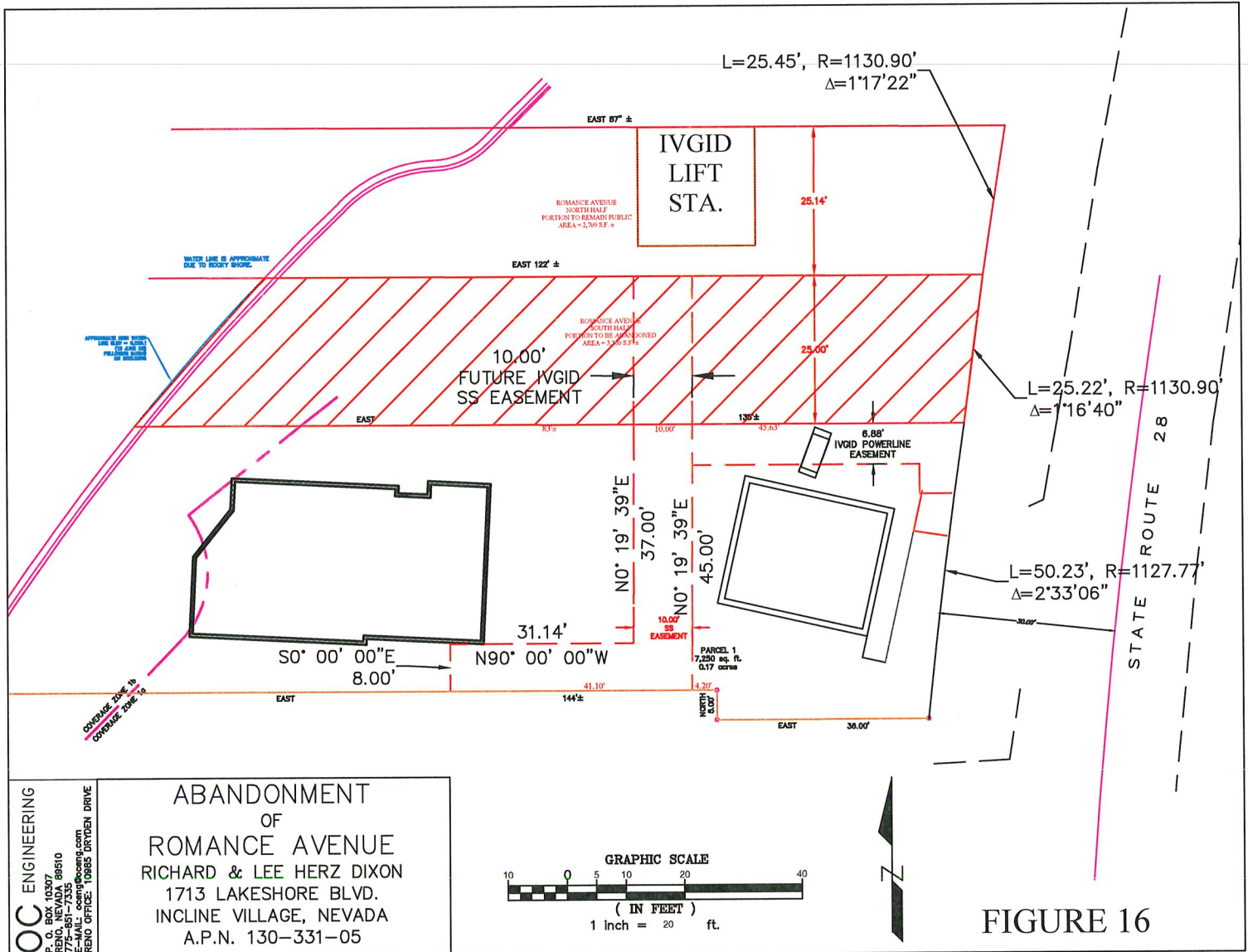




Figure 14



Figure 15



OC ENGINEERING
 P. O. BOX 10307
 RENO, NEVADA 89510
 775-851-7335
 www.occ-engineering.com
 RENO OFFICE: 10965 DRYDEN DRIVE

ABANDONMENT OF ROMANCE AVENUE
 RICHARD & LEE HERZ DIXON
 1713 LAKESHORE BLVD.
 INCLINE VILLAGE, NEVADA
 A.P.N. 130-331-05

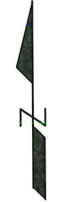
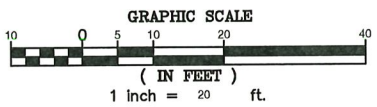


FIGURE 16



APPENDIX B

ABANDONMENT APPLICATION

Community Services Department
Planning and Building
ABANDONMENT APPLICATION



Community Services Department
Planning and Building
1001 E. Ninth St., Bldg. A
Reno, NV 89512-2845

Telephone: 775.328.6100

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name: Romance Avenue Abandonment			
Project Description: Abandon the southerly half of Romance Avenue west of Lakeshoe Blvd./Nevada State Highway 28			
Project Address: 1713 Lakeshore Blvd., Incline Village, Nv			
Project Area (acres or square feet): 3,231 s.f.			
Project Location (with point of reference to major cross streets AND area locator): Approximately 1,900 feet south along Highway 28 from the southerly intersection of Highway 28 and Lakeshore Blvd. in Incline Village, NV			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
130-331-05	7,623 s.f.		
Section 26, T.16 N., R, 18 E.			
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Lee Herz Dixon		Name: Art O'Connor	
Address: 14080 Edmands Drive		Address: P. O. Box 10307	
Reno, Nevada	Zip: 89511	Reno, NV	Zip: 89510
Phone: 775-853-2891	Fax: None	Phone: 775-851-7335	Fax: None
Email: user645137@aol.com		Email: art@oceng.com	
Cell: 775-745-2263	Other:	Cell: 775-851-7335	Other:
Contact Person: Lee Herz Dixon		Contact Person: Art O'Connor	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Same as Owner		Name:	
Address:		Address:	
	Zip:		Zip:
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Abandonment Application Supplemental Information

(All required information may be separately attached)

1. What and where is the abandonment that is being requested?

The southerly half of the portion of Romance Avenue west of Lakeshore Blvd./Nevada State Highway 28

2. On which map or document (please include with application) is the easement or right-of-way first referenced?

Tract Map No. 109

3. What is the proposed use for the vacated area?

Resolve the encroachment of a portion of the existing deck onto the right-of-way for Romance, which has never been improved.

4. What replacement easements are proposed for any to be abandoned?

The northerly portion of this section of Romance will be improved with the installation of Turfstone pavers in the existing access driveway to the existing IVGID lift station. The lift station will be fenced for security. A Turfstone pathway to a new public pier will be constructed around the lift station enclosure.

5. What factors exist or will be employed to prevent the proposed abandonment from resulting in significant damage or discrimination to other property in the vicinity?

The existing dirt pathways and driveways on the northerly portion of this section of Romance will be protected with Turfstone to prevent erosion.

6. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the abandonment request? (If so, please attach a copy.)

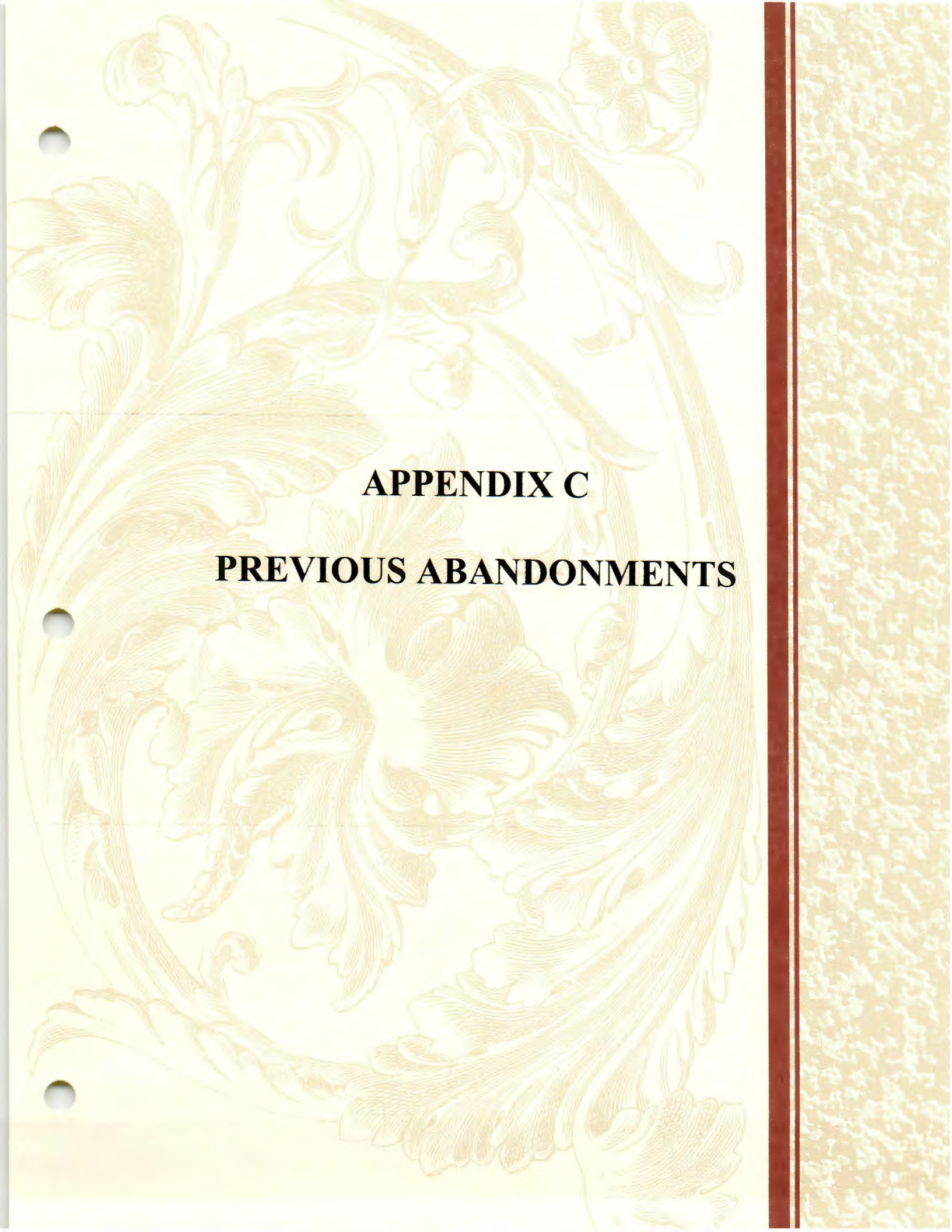
* Yes

* NoX

IMPORTANT

NOTICE REGARDING ABANDONMENTS:

To the extent that Washoe County does not own the easements in question, it cannot abandon them. Therefore, an abandonment request is in effect a "quitclaim" by the County of whatever interest it might have in the easements in favor of the owners who applied for the abandonment. For example, if the abandonment is approved by Washoe County and recorded, it will likely affect the allowable building envelope on the property, to the benefit of the applicant. However, even if the abandonment is approved, it should not be construed as an assertion by the County of ownership over the easements in question. To the extent other property owners nearby or other entities might have any ownership interests in these easements, an approved abandonment by the County does not affect those interests and the property owners associated with this abandonment are responsible for utilizing whatever legal mechanisms are necessary to address those interests on their own.



APPENDIX C
PREVIOUS ABANDONMENTS

AB10-14-96

**Green, Michael &
Gayle**

MICHAEL & GAYLE GREEN

CASE NO. AB10-14-96

CROSS REFERENCE

APPLICANT:

Michael & Gayle Green
P.O. Box 4819
Incline Village, NV 89450
(702) 831-5706

PROPERTY OWNER

REQUEST: To abandon a ±2,200 square foot access easement to Lake Tahoe to facilitate a future remodel of the ±.076 acre parcel adjacent to the north property line addressed at 1705 State Route 28, Lot 1, Block G, Rocky Point Subdivision. The property is designated Medium Density Suburban (MDS) in the Tahoe Area Plan and situated in a portion of Section 26, T16N, R18E, MDM, Washoe County, Nevada. (APN: 130-331-01)

RECOMMENDATION/ACTION:

STAFF: SHARON KVAS

**PC
BCC**

**DATE
DATE**

WASHOE COUNTY DEVELOPMENT APPLICATION

COVER SHEET

APPLICATION TYPE

- | | |
|---|---|
| <input checked="" type="checkbox"/> ABANDONMENT | <input type="checkbox"/> PRE-APPLICATION |
| <input type="checkbox"/> ADMINISTRATIVE WAIVER | <input type="checkbox"/> REVERSION TO ACREAGE |
| <input type="checkbox"/> ADMINISTRATIVE PERMIT | <input type="checkbox"/> SITE REVIEW |
| <input type="checkbox"/> BOUNDARY LINE ADJUSTMENT | <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL/INDUSTRIAL |
| <input type="checkbox"/> DEVELOPMENT AGREEMENT | <input type="checkbox"/> SPECIAL USE PERMIT |
| <input type="checkbox"/> PRELIMINARY <input type="checkbox"/> FINAL | <input type="checkbox"/> TENTATIVE MAP OF DIVISION INTO LARGE PARCELS |
| <input type="checkbox"/> DESIGN REVIEW COMMITTEE | <input type="checkbox"/> TENTATIVE SUBDIVISION MAP |
| <input type="checkbox"/> MAJOR MAP AMENDMENT | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> PARCEL MAP | |

PROJECT NAME: Michael and Gayle Green
PROJECT ADDRESS: 1705 State Route 28 Incline Village, NV 89450
PROPERTY SIZE: Approx. 3,000 SqFt. PROJECT SIZE: _____
ASSESSOR'S PARCEL NO(S): 130 331 01

PLEASE CHECK IF APPLICABLE

- APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT HAS BEEN MADE
 COMPREHENSIVE PLAN AMENDMENT PREVIOUSLY APPROVED. IF SO, CASE NO.: _____

APPLICANT INFORMATION

PROPERTY OWNER: NAME: <u>Michael and Gayle Green</u> ADDRESS: <u>1705 State Route 28 P.O.Box 4819 Incline Village NV. ZIP: 89450</u> PHONE: <u>831-5706</u> FAX: _____ CONTACT PERSON: <u>Michael Green</u>	PERSON/FIRM PREPARING PLANS: NAME: <u>Syd Brosten</u> ADDRESS: <u>P.O. Box 5866 Incline Village NV. ZIP: 89450</u> PHONE: <u>831-2144</u> FAX: <u>831-6310</u> CONTACT PERSON: <u>Syd Brosten</u>
APPLICANT/DEVELOPER: NAME: _____ ADDRESS: _____ ZIP: _____ PHONE: _____ FAX: _____ CONTACT PERSON: _____	OTHER PERSON TO BE CONTACTED: NAME: _____ ADDRESS: _____ ZIP: _____ PHONE: _____ FAX: _____ CONTACT PERSON: _____

FOR OFFICE USE ONLY

NEW ZONING: _____	SECTION _____	TOWNSHIP _____	RANGE _____
OLD ZONING: _____	PLANNING AREA: _____		
CAB(S): <u>RECEIVED</u>			

DATE RECEIVED: <u>OCT 15 1996</u>	INITIAL: _____
DATE RECEIVED: _____	INITIAL: _____
DEEMED COMPLETE	INITIAL: _____
DEVELOPMENT REVIEW	INITIAL: _____

CASE NUMBERS

AB 10-14 - '96

**WASHOE COUNTY
DEPARTMENT OF DEVELOPMENT REVIEW
ABANDONMENT APPLICATION
SUPPLEMENTAL INFORMATION**

(ALL REQUIRED INFORMATION MAY BE SEPARATELY ATTACHED)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific reference to abandonments and vacations may be found in Sections 110.806.00 through 110.806.65.

1. What abandonment is being requested?
Parcel 2 Adjacent and North of APN No. 130-331-01

2. On which map or document is the easement or right-of-way first referenced?
Existing easement and Revocable Encroachment Permit is recorded on
March 28, 1990, in Book 54, Page 89, as Document No. 1388943, Official Records.

3. What is the proposed use for the vacated area?
For the future remodel and safe access and egress of remodeled residence.

4. What replacement easements are proposed for any being abandoned?
None required for utilities.

5. What factors exist or will be employed to prevent the proposed abandonment from resulting in significant damage or discrimination to other property in the vicinity?
None required,

6. Are there any deed restrictions, restrictive covenants, or recorded conditions that apply to the area subject to the abandonment request? YES NO If so, please attach a copy.

OWNER AFFIDAVIT

STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

I, Michael Greene

being duly sworn, depose and say that I am an owner* of property involved in this petition and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Department of Development Review staff.

Please attach a list of the names and addresses of all owners with 20% or greater interest.

Signed Michael Greene Michael Greene

Subscribed and sworn to before me this 8th day of October, 19 96

*Owner refers to the following. Please mark the appropriate box.

- OWNER/JOINT OWNER
- CORPORATE OFFICER/PARTNER
- POWER OF ATTORNEY (Provide copy of Power of Attorney)
- AGENT (Notarized letter from property owner giving legal authority to agent)
- LETTER FROM GOVERNMENT AGENCY WITH STEWARDSHIP

V Key
Notary Public in and for said county and state



My commission expires: 12-15-98

**WASHOE COUNTY
DEPARTMENT OF DEVELOPMENT REVIEW**

1001 EAST NINTH STREET
POST OFFICE BOX 11130
RENO, NEVADA 89520-0027
PHONE: (702) 328-6100
FAX: (702) 328-3648

WASHOE COUNTY

"To Protect and To Serve"



WASHOE COUNTY PLANNING COMMISSION DEPARTMENT OF COMMUNITY DEVELOPMENT

John B. Hester, AICP, Director

Current Planning (702) 328-6100
Business License Div. (702) 328-3733
FAX (702) 328-6133

MEMBERS:
Sonja Dresbach
Ed Meagher
L.H. "Buck" Metcalf
Lynette Preku

Daniel Salerno
Mary Sanada
Robert Strobel

MEMORANDUM

TO: Washoe County Board of County Commissioners
FROM: Washoe County Planning Commission
RE: Abandonment Case No. AB10-14-96
DATE: January 16, 1997

Initialed By: BK

GENERAL INFORMATION SUMMARY

APPLICANT/PROPERTY OWNERS: Michael & Gayle Green

REQUESTED ACTION: To abandon a +2,200 square foot access easement to Lake Tahoe (Reno Avenue) to facilitate a future remodel of the ±.076 acre parcel adjacent to the north property line addressed at 1705 State Route 28, Lot 1, Block G, Rocky Point Subdivision. The property is designated Medium Density Suburban (MDS) in the Tahoe Area Plan and situated in a portion of Section 26, T16N, R18E, MDM, Washoe County, Nevada. (APN: 130-331-01)

PLANNING COMMISSION ACTION

At its regular meeting of January 7, 1997, the Washoe County Planning Commission considered Abandonment Case No. AB10-14-96 and upon a motion by Commissioner Metcalf and seconded by Commissioner Preku, Abandonment Case No. AB10-14-96 was recommended for conditional approval.

Ayes: Metcalf, Preku, Dresbach, Strobel, Meagher
Nays: Salerno, Sanada
Abstained: None
Absent: None

PLANNING COMMISSION MINUTES OF JANUARY 7, 1997

The continued public hearing was opened. Sharon Kvas indicated the questions the Commissioners had asked regarding this application at their meeting of December 3, 1996 had been researched and presented in the latest staff report. She asked if any further questions had arisen. She then showed slides of the easement, illustrating the wood stairs and landing, location of lounge furniture and teepee on the decks within the easement, the landing and pier, the applicant's house and two houses across the street. She noted that a meandering trail traversing the easement ended at the rocky lakefront. Ms. Kvas advised staff had met with Tahoe Regional Planning Agency (TRPA) and the applicant in attempt to resolve the conflict. She stated the TRPA condition requiring abandonment of the easement was made in error. Responding to a question about exploring the possibility of a different easement for public access, Ms. Kvas stated TRPA was willing to allow the Greens (the applicants) to take coverage of the easement to be used in their remodel project. If the 30-foot access easement were to be incorporated into the Greens' property and a like size replacement easement situated on the property, the increase in taxes would be substantial and Ms. Kvas could see no benefit to the applicant. Lakefront property is assessed at the rate of \$7-30,000 per linear foot. Thirty additional feet would be taxed at a minimum of \$210,000 in excess of the Greens' existing tax bill.

Gayle Green distributed handouts to the Commissioners and staff containing correspondence between Paul Pettersen, TRPA staff member, and the Greens' attorney, Keith Rohrbough, and a copy of the Declaration of the CC&Rs as prepared by TRPA. She discussed the concern she and her husband had for liability, comparing the subject easement to the Burton/Santini public land. The liability factors differ because the Green easement is structured, i.e.; steps, while the other easement is natural, containing no man made elements. Ms. Green suggested an abandonment of Reno Avenue, with the caveat that a reasonable access be maintained at the north side of Reno Avenue of approximately 4-10-feet in width as a solution to the dilemma. She and her husband would be willing to accept the additional tax burden to assume the existing 30-foot lake frontage in order to be relieved of the liability concern.

Commissioner Salerno observed that due to the steep terrain it would be difficult to utilize the suggested access. Further, he noted the Greens had parked a large truck at the head of the existing access. Ms. Green stated it was their designated parking area and their intention was not to prevent access.

Ms. Kvas read the letter from Paul Pettersen into the record. (See Attachments)

The public hearing was closed since there was no other person who wished to address the Commission on this issue.

Discussion ensued regarding the legality of the stairs which had been constructed on the existing easement; who would be liable if the stairs are not maintained and method to complete abandonment, (applicant would need to file an Order of Abandonment once the conditions have been met); if Planning Commission wished TRPA to have final decision, a condition would need to be added; and who would be liable for costs to provide a new access.

Bob Katai noted there were two standard conditions that should be imposed: the first that completion must occur within two years, and the second, that if a replacement easement be required, that applicant pay all engineering and survey costs.

Commissioner Metcalf moved to approve AB10-14-96 pursuant to all requirements as stated by Paul Pettersen, Senior Planner, TRPA, in his letter, dated January 7, 1997, and including the standard conditions outlined by Mr. Katai. The motion was seconded by Commissioner Preku, and passed with a vote of five (5) in favor, two (2) opposed, Commissioners Sanada and Salerno, and none (0) absent. The motion was based on the following findings:

1. That the abandonment is consistent with the policies, action programs, standards and maps of the Comprehensive Plan and the Tahoe Area Plan;
2. That the abandonment does not create a detriment to abutting or surrounding properties;
3. That, as conditioned, a replacement easement will be provided and access to Lake Tahoe will not be diminished; and
4. That the Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

COUNTY COMMISSION OPTIONS

The Washoe County Board of County Commissioners has the following options and resultant consequences available on Abandonment Case No. AB10-14-96:

- Approve the request with the conditions recommended by the Planning Commission. This will give authority to Tahoe Regional Planning Agency (TRPA) to determine the necessary replacement easement to assure that access to Lake Tahoe is not diminished and the Goals and Policies of the TRPA are achieved in this matter.
- Approve the request with amended or added conditions that arise as a result of the public hearing. The consequences will be those above plus any resulting from the amended or added conditions.
- Defer the request to enable the applicant to provide additional information the Board may require to decide the request.
- Deny the request. Public access to the lake will not be changed.

SK/ma/ (AB1496T)

Attachments: Conditions, Letter from Paul Pettersen, Tahoe Regional Planning Agency dated January 7, 1997, Staff Report dated December 24, 1996, Planning Commission Minutes of December 3, 1996, Staff Report dated November 22, 1996, Tahoe Regional Planning Agency revised permit (for single family dwelling addition) dated December 19, 1996, Washoe County Encroachment Permit dated March 5, 1990, Maps.

xc: County Clerk; County Manager; Rusty Nash, Deputy D.A.; Judy Ramos, Assessor's Office; Ron Fox Assessor's Office; Engineering Division; Regional Transportation Commission, 600 Sutro Street, Reno, NV 89520; Applicant and Representative: Michael and Gayle Green, P.O. Box 4819, Incline Village, NV 89450; Syd Brosten, P.O. Box 5866, Incline Village, NV 89450; Incline Village/Crystal Bay Citizen Advisory Board.

**CONDITIONS FOR
ABANDONMENT CASE NO. AB10-14-96
(As Approved by the Planning Commission at their January 7, 1997 meeting)**

1. Prior to the recordation of the Resolution and Order of Abandonment, the applicant shall submit to the staffs of the Department of Community Development and Engineering Division a letter from the Tahoe Regional Planning Agency (TRPA) indicating the abandonment project has been reviewed and approved by the TRPA pursuant to TRPA rules, regulations and ordinance and the abandonment does not diminish access to Lake Tahoe.
2. Prior to recordation of the Resolution and Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for the area of abandonment, the portion of the abandonment reverting to applicant, and any required replacement easements as conditioned by the Tahoe Regional Planning Agency (TRPA).
3. The applicant shall comply with all conditions necessary to effect the Resolution and Order of Abandonment within two years from the date of the action by the Board of County Commissioners or this conditional abandonment will be null and void.

**WASHOE COUNTY PLANNING COMMISSION
STAFF REPORT**

To: Members of the Washoe County Planning Commission

Re: Abandonment Case No. AB10-14-96

Date: December 24, 1996

Prepared By: SK

GENERAL INFORMATION SUMMARY

Applicant: Michael & Gayle Green

Requested Action: To abandon a $\pm 2,200$ square foot access easement to Lake Tahoe to facilitate a future remodel of the 3310 square foot property adjacent to the north property line addressed at 1705 State Route 28, Lot 1, Block G, Rocky Point Subdivision. The property is designated Medium Density Suburban (MDS) in the Tahoe Area Plan and situated in a portion of Section 28, T16N, R18E, MDM, Washoe County, Nevada. (APN: 130-331-01)

ADDENDUM TO STAFF REPORT DATED NOVEMBER 22, 1996

Several questions were raised at the Planning Commission meeting of December 3, 1996. The following information have been obtained regarding these issues .

- Washoe County staff had stated that research of the Tahoe Regional Planning Agency Goals and Policies did not allow diminishing of lake access, that the request was in contravention to the compact signed by California and Nevada and five counties, including Washoe County. This information was supplied to Washoe County staff from the TRPA staff.

The applicant had a conditional permit from the same TRPA staff member requiring the abandonment of the easement. Obviously, this conflicting information was problematic. Washoe County staff contacted the TRPA staff member and their legal council and it was determined that the conditions of the permit, issued by TRPA staff, were incorrect and in contravention to TRPA Goals and Policies. The applicant had not signed and accepted the TRPA permit so a new revised permit was crafted and the abandonment of the easement was removed as a condition of approval.

However, this action would have left the applicant in a situation of having to pay excessive coverage mitigation fees. Washoe County staff requested that the TRPA staff find some creative solution to help the applicant in this situation as the error was that of TRPA. The TRPA staff member did find a solution to allow the applicant to utilize the square footage of the subject property as part of their lot for coverage

purposes only, thus eliminating the excessive coverage mitigation fees. The remodel may continue in process with no reduction in size or excess mitigation fees required.

Subsequently, TRPA staff did contact Washoe County staff and indicated that the agency would allow an abandonment IF an equal access easement was placed on the enlarged lot, thus not diminishing lake access. Although this alternative is available, staff can see no advantage to the applicant. The applicant would have a 30 foot wider lot with a 30 foot access easement on the lot. The property would then be taxed as a larger lot. Washoe County Assessor indicates that lake front property is assessed between \$7,000.00 and \$30,000.00 per linear foot of lakefront. Assuming best case scenario, the applicant would be assessed property taxes of a minimum of an additional \$210,000.00 property value, the minimum value of the abandoned property and the easement would still allow access to the lake and liability would still be an issue.

- The easement was created by a Subdivision Map recorded in 1928. Because the easement was entirely within the parcel divided into the Rocky Ridge Subdivision the following Nevada Revised Statute is applicable:

278.480. Vacation or abandonment of street or easement:

- 6. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest.*

Therefore, because only one lot of the subdivision abuts the access easement, the easement would be abandoned entirely to the applicant. The adjacent property, managed by Nevada State Lands would not obtain a portion of the easement.

- The ownership and availability of the adjacent property was also discussed. Research indicates the property was purchased by Burton-Santini funds and is managed by Nevada State Lands. The property, classified as Forest Lands, is available for day use by all individuals. Overnight camping is not allowed, however. There is a foot path on the State Lands parcel. The entire parcel is a rock lakefront. A map is included to show this parcel abutting the abandonment request. It should be noted that parking was available on State Route 28 along this stretch of lake front. The recent widening of this portion of SR 28 has incorporated the width previously used for parking to roadway. Only a turn-out affording parking for 2 or 3 cars is now available, approximately .1 miles from the requested abandonment.
- The ownership of many of the parcels, although undeveloped, of the Rocky Point Subdivision are in private ownership. These parcels would have an interest in the subject property.
- The location of additional parking and lake access in the vicinity was questioned. Staff had originally stated a turn-out and parking was available approximately one mile south toward Sand Harbor. The Kennedy turn-out and parking area is 1.45 miles from the easement and affords considerable parking. (approximately 50 cars) Dirt foot paths access this portion of the lake which is a State Park. This portion of the State Park is also a rock lakefront.

washoe county development review

- There are six developed homes on the lakeside portion of this Rocky Point Subdivision and two homes on the east side of the highway above State Route 28. The homes on the lakeside obviously have their own access to the lake. The two homes almost directly across the street would access the lake, should they desire from the access easement of the requested abandonment, or the State Lands property further toward Incline Village.
- Washoe County and Tahoe Regional Planning Agency staff did meet with the applicants on the property in mid-December. The applicant's major concern is the conditions of the Revocable Encroachment Permit with Washoe County which hold the applicant in a liability position. This Encroachment Permit was obtained by Harold Mead who subsequently sold the property to the applicant. The deed of trust dated October 6, 1992 from Harold Mead to Michael and Gayle Green indicates a Revocable Encroachment Permit was recorded on March 28, 1990 for retention of stairways, decks, landings, a pumping facility, dock and propane storage tank. The applicant states they were unaware of the conditions of that Revocable Encroachment Permit. Staff has suggested the applicant contact their title insurance company and their realtor for clarification of the deed of trust and Washoe County Engineering Division to possibly renegotiate the following onerous conditions to the applicant of the Revocable Encroachment Permit.

Condition No. 2 - The Owner shall indemnify the County of Washoe and save it harmless from and against any and all liability for injury to persons or damage to properties whether said properties may belong to Owner, County or to third parties, which injury or damage is sustained by reason of any cause directly resulting from the exercise of the privilege herein granted. (Retention of stairs, decks, landings, pumping facility, dock and propane storage tank)

Condition No. 3 - The Owner shall make any and all repairs to the facilities installed by authority given in this permit as soon as the need therefore arises and shall at all times maintain said facilities. The Owner further agrees to indemnify the County of Washoe and save it harmless from and against any and all liability for damages to said facilities which may result from road maintenance operations.

As requested by the Washoe County Planning Commission, slides will be presented at the meeting.

RECOMMENDATIONS/FINDINGS

Based upon the staff analysis, comments received, and the site inspection, staff continues to recommend denial of the request and offers the following motion for your consideration:

The Washoe County Planning Commission recommends denial of Abandonment Case No. A10-14-96, having made the findings:

1. That the existing public access easement provides a stairway access for nearby residents and the public to Lake Tahoe;

Washoe County Planning Commission
re: Abandonment Case No. AB10-14-98 (Michael & Gayle Green)
December 24, 1998 - page 4

2. that the abandonment would create a detriment to Washoe County residents and other nearby residents by eliminating this lake access and diminishing lake access;
3. that the abandonment is not consistent with the polices, action programs, of the Comprehensive Plan or the Tahoe Area Plan and is in contravention to the Goals and Policies of the Tahoe Regional Planning Agency (TRPA); and
4. That the Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

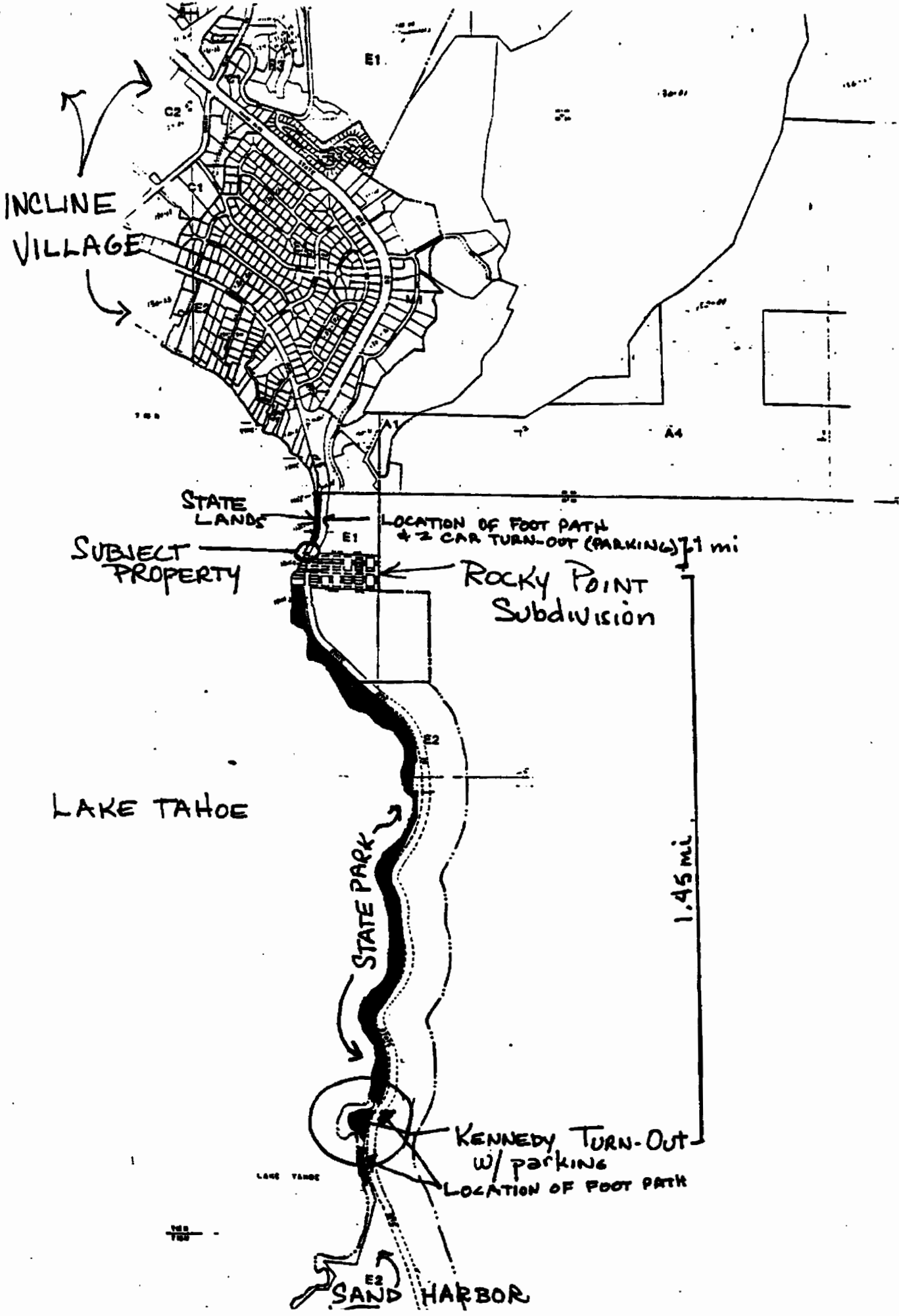
APPLICABLE REGULATIONS

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.

(AB1498S2)

Attachments: Conditional Revised Permit issued by Tahoe Regional Planning Agency dated December 19, 1998; Previous staff report dated November 22, 1998

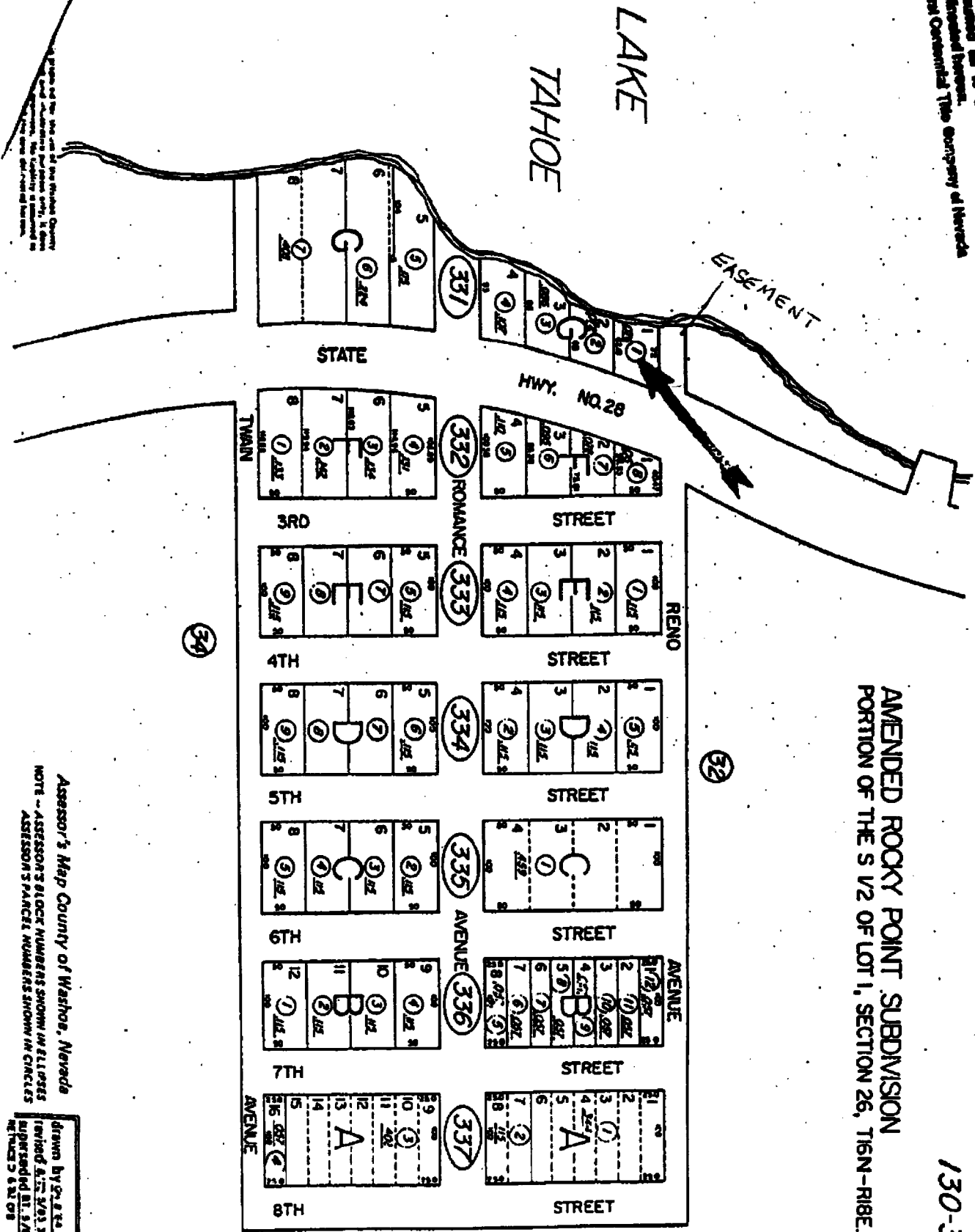
xc: Applicant: Michael & Gayle Green, PO Box 4819, Incline Village, NV 89450
Representative: Syd Brosten, PO Box 5886, Incline Village, NV 89450
Citizen's Advisory Board: Incline Village/Crystal Bay Citizen Advisory Board



NOTE: This map is furnished for information purposes only. It does not represent a survey of the premises. No liability is assumed by the undersigned or accuracy of the Data furnished hereon. Paul O'Connell, This Company of Nevada

130-33

AMENDED ROCKY POINT SUBDIVISION
 PORTION OF THE S 1/2 OF LOT 1, SECTION 26, T16N-R18E.



Assessor's Map County of Washoe, Nevada
 NOTE - ASSASSOR'S BLOCK NUMBERS SHOWN IN ALL CAPS
 ASSASSOR'S PARCEL NUMBERS SHOWN IN CIRCLES

Drawn by G. E. & Co.
 Revised 6/27/2023 J. H.
 Superseded 11/3/23
 REFUND 2 & 21 09

**WASHOE COUNTY PLANNING COMMISSION
STAFF REPORT**

To: Members of the Washoe County Planning Commission

Re: Abandonment Case No. AB10-14-96

Date: November 22, 1996

Prepared By: SK

GENERAL INFORMATION SUMMARY

Applicant: Michael & Gayle Green

Requested Action: To abandon a +2,200 square foot access easement to Lake Tahoe to facilitate a future remodel of the ±.076 acre parcel adjacent to the north property line addressed at 1705 State Route 28, Lot 1, Block G, Rocky Point Subdivision. The property is designated Medium Density Suburban (MDS) in the Tahoe Area Plan and situated in a portion of Section 26, T16N, R18E, MDM, Washoe County, Nevada. (APN: 130-331-01)

RECOMMENDATIONS/FINDINGS

Based upon the staff analysis, comments received, and the site inspection, staff recommends denial of the request and offers the following motion for your consideration:

The Washoe County Planning Commission recommends denial of Abandonment Case No. A10-14-96, having made the findings:

1. That the existing public access easement provides a stairway access for nearby residents and the public to Lake Tahoe;
2. that the abandonment would create a detriment to Washoe County residents and other nearby residents by eliminating this lake access;
3. that the abandonment is not consistent with the policies, action programs, of the Comprehensive Plan or the Tahoe Area Plan; and
4. That the Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

ANALYSIS

Rocky Point Tract was created in 1928 by Subdivision Map No. 108. At recordation three accesses were provided to the shoreline of Lake Tahoe. Although research could not determine the timeframe, a combination wood and rock stairway with decks was constructed down the access which terminates at a boat dock and a rocky section of Lake Tahoe.

A home was constructed 1976 on the property adjacent to this access. The propane tank for this home was located within this access easement. Staff researched the Assessor Records and found that the improvements constructed on the access easement have never been included as part of the taxes on this adjacent property. (See attached diagram)

In 1990, a prior owner of the property, Harold B. Mead, of Tiburon, California, applied for a Revocable Encroachment Permit from Washoe County Engineering Division which permits the retention of stairways, decks, landings, a pumping facility and propane storage tank on the access easement. The permit was granted subject to seven conditions, (See attachment) including the following conditions pertinent to this request:

6. *The owner shall maintain the right-of-way in an orderly and clean manner and shall not store materials or other temporary items within the right-of-way to the satisfaction of the Washoe County Engineer.*
7. *The owner shall allow public access onto the stairways, landings and dock and shall post no signs restricting access.*

It was noted on site inspection that patio furniture and hammocks are placed on each deck and the overall affect is that of private ownership of the property. An individual walking in the area might presume trespass if considering using the stairway for access to the lake.

There are several homes on both sides of Tahoe Boulevard which could benefit from this lake access. Additionally, access could be afforded to bicyclists and pedestrians walking along this portion of the lake, even though parking along this section of State Route 28 is restricted to residents. The public parking area is available about a mile south at Kennedy turnout.

There are few public accesses to Lake Tahoe in the Incline Village area. The vast majority of the shoreline is privately owned and restricted. Staff believes that further reducing in the few remaining public accesses to the lake is not in the best interests of Washoe County residents.

Agency Comments:

Tahoe Regional Planning Agency (TRPA) cannot support any portion of the project that would diminish public access to Lake Tahoe. Chapter IV, Conservation Element, Regional Plan for the Lake Tahoe Basin, Goals and Policies, Policy No. 18, states "Allow public access to the shorezone where lawful and feasible on public lands." TRPA indicates it appears that public access will be blocked if the proposed abandonment application is approved. TRPA believes it is important that this access remain open to the public, even if it is not signed or generally well known. That agency's legal counsel has indicated TRPA must review the proposal and would pursue implementation of its policies.

Washoe County Planning Commission
re: Abandonment Case No. AB10-14-96 (Michael & Gayle Green)
November 22, 1996 - page 3

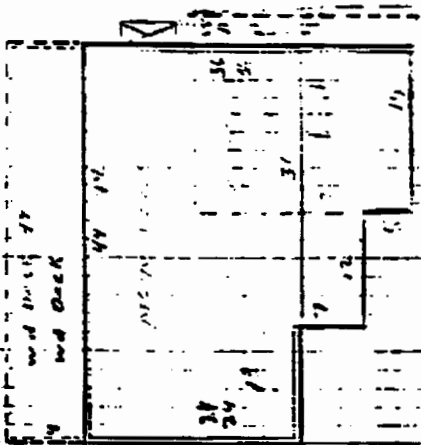
APPLICABLE REGULATIONS

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.

(AB1496S)

Attachments: Encroachment Permit recorded March 28, 1990, Tahoe Regional Planning Agency letter dated November 6, 1996; Maps

xc: Applicant: Michael & Gayle Green, PO Box 4819, Incline Village, NV 89450
Representative: Syd Brosten, PO Box 5866, Incline Village, NV 89450
Citizen's Advisory Board: Incline Village/Crystal Bay Citizen Advisory Board



637, 638, K.E.T.
 3A (3)
 1300 V
 2127 V
 1051 +
 2127 +

3 BR, 1136
 11A (3)
 11A (7)
 2 BR, 30 BA
 PLUMB FLOOR
 913012

2 BR, 30 BA
 PLUMB FLOOR
 913012

ORIGINAL

AB 08-002

Staff Assigned Case No.:

Washoe County Development Application

Project Information	
Project Name (commercial/industrial projects only):	NA
Project Description:	REQUESTED ABANDONMENT OF A PORTION OF TWAIN AVENUE BETWEEN HWY 28 AND LAKE TAHOE.
Project Address:	ADJACENT TO 1717 HWY 28, INCLINE VILLAGE, NV
Project Area (acres or square feet):	4659 SF

Location Information			
Project Location (with point of reference to major cross streets AND area locator): SEE ATTACHED			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
130-331-10	8933 SF / 0.205 ACRES		
130-340-02	9.83 ACRES		
Section(s)/Township/Range: SECTION 26, T16N-R18E			
Indicate any previous Washoe County approvals associated with this application: Case Nos. NONE			

Applicant Information			
Property Owner:		Professional Consultant:	
Name: SEE ATTACHED		Name: MIDKIFF & ASSOCIATES, INC.	
Address: 1140 ALPINE CIRCLE		Address: P.O. Box 12427	
RENO, NV Zip: 89509		ZEPHYR COVE, NV Zip: 89448-2427	
Phone: 775-846-8090 Fax:		Phone: 775-588-1090 Fax: 775-588-1091	
Email: jostomel@sbcglobal.net		Email: gary@midkiffandassoc.com	
Cell: - Other: -		Cell: - Other: -	
Contact Person: JEFFREY A. OSTOMEL		Contact Person: GARY MIDKIFF	
Applicant/Developer:		Other Persons to be Contacted:	
Name:		Name: TIESLAU CIVIL ENGINEERING	
Address:		Address: P.O. Box 2297	
Zip:		KINGS BEACH, CA Zip: 96143	
Phone:		Phone: 530-546-0861 Fax: 530-546-0871	
Fax:			
Email:		Email: tieslau@atcivil.com	
Cell:		Cell: - Other: -	
Other:			
Contact Person:		Contact Person: ADRIANE TIESLAU	

For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:			
CAB(s):		Land Use Designation(s):	

Owner Affidavit

Project Name:	
Application Type	
<input checked="" type="checkbox"/> Abandonment (AB)	<input type="checkbox"/> Final Map Certificate of Amendment (CA)
<input type="checkbox"/> Administrative Permit (AP)	<input type="checkbox"/> Final Map Major/Minor Amendment
<input type="checkbox"/> Amendment of Conditions of Approval	<input type="checkbox"/> Final Subdivision Map/Const Plan Review
<input type="checkbox"/> Boundary Line Adjustment (BL)	<input type="checkbox"/> Parcel Map Waiver (PM)
<input type="checkbox"/> Cooperative Plan Amendment (CP)	<input type="checkbox"/> Reversion to Acreage (RA)
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Special Use Permit (SB/SW) <input type="checkbox"/> with EIS/EA
<input type="checkbox"/> Land Use Designation Change	<input type="checkbox"/> Specific Plan (SP)
<input type="checkbox"/> Text Change	<input type="checkbox"/> Tentative Map of Div into Large Parcels (DL)
<input type="checkbox"/> Design Review Committee Submittal (DRC)	<input type="checkbox"/> Tentative Parcel Map (PM)
<input type="checkbox"/> Development Agreement (DA)	<input type="checkbox"/> Tentative Subdivision Map (TM)
<input type="checkbox"/> Development Code Amendment (DC)	<input type="checkbox"/> Hillside Development
<input type="checkbox"/> Ext of Time Requests (Approved Applications)	<input type="checkbox"/> Significant Hydrologic Resource
<input type="checkbox"/> Ext of Time Requests (Tent Subdivision Maps)	<input type="checkbox"/> Common Open Space Development
	<input type="checkbox"/> Variance (VA)

The receipt of an application at the time of submittal does not imply the application complies with all requirements of the Washoe County Development Code, the Washoe County Comprehensive Plan or the applicable area plan, or that it is deemed complete and will be processed.

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, JEFFREY A. OSTOMEL
being duly sworn, depose and say that I am an owner* of property involved in this petition and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Department of Community Development staff.

(A separate Affidavit must be provided by each property owner named in the title report.)

*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

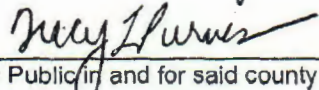
Signed 

Address 1140 ALPINE CIRCLE

RENO, NV 89509

(Notary Stamp)

Subscribed and sworn to before me this
12 day of February, 2008.


Notary Public in and for said county and state

My commission expires: March 1, 2010



Abandonment Fee Worksheet

Case Number:	Project Name:	
	APN:	
Department	Fees	
Community Development 328-6100		\$714
Engineering Division 328-2041		\$160
Environmental Health Services 328-2434		\$56
Water Resources Utility Operations 954-4600	<input checked="" type="checkbox"/> Tahoe area <input type="checkbox"/> Other areas	\$0 \$26
Total Fees	<input checked="" type="checkbox"/> Tahoe area <input type="checkbox"/> Other areas	\$930 \$956
Notes		
1. In accordance with Washoe County Code Section 15.190, application fees must be deposited on or before the next regular working day following the day of receipt. This does not guarantee that the application is complete.		

**Make check payable to Washoe County.
Bring check with your application to Community Development.**

**Submit this page with "Original Packet" only.
Do not include this page in other copies of the packet.**

Fees collected per Washoe County Development Code, Article 906, Fees.

Special Limited Power of Attorney

Recording requested by
and when recorded mail to:

Jeffrey A. Ostomel, Esq.
1140 Alpine Circle
Reno, NV 89509

**IRREVOCABLE SPECIAL LIMITED POWER-OF-ATTORNEY
REGARDING APPLICATION FOR ABANDONMENT**

THIS IRREVOCABLE POWER-OF-ATTORNEY REGARDING APPLICATION FOR ABANDONMENT, is made as of the 13th day of February 2008, by The Steinheimer Residual Trust 'A', M. Max Steinheimer and Connie Jane Steinheimer, Co-Trustees; M. Max Steinheimer; Barbara Steinheimer; and Connie Jane Steinheimer, all of the owners of that real property commonly referred to as 1717 Highway 28, Incline Village, NV, APN 130-331-09 and APN 130-331-10, **(hereinafter owners)**.

WHEREAS, Owners are the owners of APN 130-331-09 and APN 130-331-10 and desire to file an Application for Abandonment with Washoe County, Nevada;

WHEREAS, the Application for Abandonment may be signed by an individual designated by an appropriate Power of Attorney; and

WHEREAS, Owners desire to authorize Jeffrey A. Ostomel, Esq. to file said Application for Abandonment and to complete the abandonment process;

NOW, THEREFORE, the parties hereto agree as follows:

Owner hereby appoints Jeffrey A. Ostomel, Esq. as agent for purposes of signing and filing the Application for Abandonment. Agent is authorized and empowered to execute on behalf of Owners, from time to time, applications and other documents reasonably required by Washoe County to process the Application for Abandonment.

This Power-of-Attorney may be executed in one or more counterparts, each of which will be deemed an original, and all of which together will constitute one and the

Special Limited Power of Attorney

same agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Power-of-Attorney effective as of date first set forth above.

Owners

**The Steinheimer Residual Trust 'A',
M. Max Steinheimer and Connie Jane Steinheimer, Co-Trustees**

M. Max Steinheimer

Barbara Steinheimer

Connie Jane Steinheimer

By: _____

BY: _____

By: Barbara Steinheimer

BY: _____

By: _____

~~STATE OF San Joaquin)
) SS.
COUNTY OF _____)~~

On this _____ day of _____, 2008, before me, personally appeared _____, personally known to me, or proved to be, on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon their behalf of which the person(s) acted executed the instrument.

Notary Public

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Joaquin

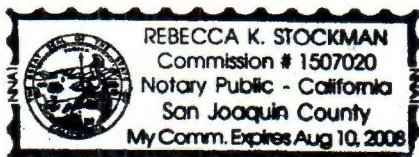
On February 13, 2008 before me, Rebecca K. Stockman

Here Insert Name and Title of the Officer

personally appeared Barbara Steinheimer

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Rebecca K. Stockman

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Irrevocable Special Limited Power-of-Attorney

Document Date: February 13, 2008 Number of Pages: 2

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Barbara Steinheimer

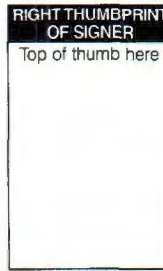
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____



Special Limited Power of Attorney

Recording requested by
and when recorded mail to:

Jeffrey A. Ostomel, Esq.
1140 Alpine Circle
Reno, NV 89509

**IRREVOCABLE SPECIAL LIMITED POWER-OF-ATTORNEY
REGARDING APPLICATION FOR ABANDONMENT**

THIS IRREVOCABLE POWER-OF-ATTORNEY REGARDING APPLICATION FOR ABANDONMENT, is made as of the 12TH day of FEBRUARY 2008, by The Steinheimer Residual Trust 'A', M. Max Steinheimer and Connie Jane Steinheimer, Co-Trustees; M. Max Steinheimer; Barbara Steinheimer; and Connie Jane Steinheimer, all of the owners of that real property commonly referred to as 1717 Highway 28, Incline Village, NV, APN 130-331-09 and APN 130-331-10, (**hereinafter owners**).

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WHEREAS, the Application for Abandonment may be signed by an individual designated by an appropriate Power of Attorney; and

WHEREAS, Owners desire to authorize Jeffrey A. Ostomel, Esq. to file said Application for Abandonment and to complete the abandonment process;

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This Power-of-Attorney may be executed in one or more counterparts, each of which will be deemed an original, and all of which together will constitute one and the

Special Limited Power of Attorney

same agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Power-of-Attorney effective as of date first set forth above.

Owners

The Steinheimer Residual Trust 'A',
M. Max Steinheimer and Connie Jane Steinheimer, Co-Trustees

M. Max Steinheimer

Barbara Steinheimer

Connie Jane Steinheimer

By: Connie Jane Steinheimer
Trustee

BY: _____

By: Connie Jane Steinheimer
owner

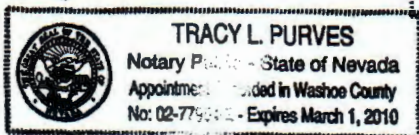
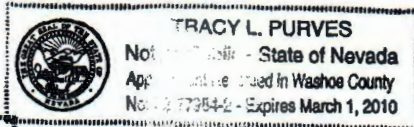
BY: _____

By: _____

STATE OF Nevada)
COUNTY OF Washoe) SS.

On this 12th day of February, 2008, before me, personally appeared Connie Jane Steinheimer, personally known to me, or proved to be, on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon their behalf of which the person(s) acted executed the instrument.

Tracy L Purves
Notary Public



Special Limited Power of Attorney

Recording requested by
and when recorded mail to:

Jeffrey A. Ostomel, Esq.
1140 Alpine Circle
Reno, NV 89509

**IRREVOCABLE SPECIAL LIMITED POWER-OF-ATTORNEY
REGARDING APPLICATION FOR ABANDONMENT**

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WHEREAS, Owners desire to authorize Jeffrey A. Ostomel, Esq. to file said Application for Abandonment and to complete the abandonment process;

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Special Limited Power of Attorney

same agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Power-of-Attorney effective as of date first set forth above.

Owners

The Steinheimer Residual Trust 'A',
M. Max Steinheimer and Connie Jane Steinheimer, Co-Trustees

M. Max Steinheimer

Barbara Steinheimer

Connie Jane Steinheimer

By: M. Max Steinheimer Co-Trustee

BY: _____

By: M. Max Steinheimer

BY: _____

By: _____

STATE OF California)

SS.

COUNTY OF San Bernardino)

On this 13th day of February, 2008, before me, personally appeared _____, personally known to me, or proved to be, on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon their behalf of which the person(s) acted executed the instrument.

Notary Public

see attached

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Bernardino

On February 13, 2008 before me, Marilyn R. Chandler
Date Here Insert Name and Title of the Officer

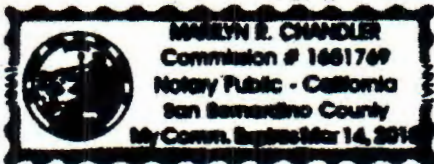
personally appeared Milton Max Steinhilber
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Marilyn R. Chandler
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

W. Conrad B. ...
Notary Public - California
Commission # 1081794
MARGIE S. CHANDLER

Abandonment Application Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to vacations and abandonments may be found in Article 806, Vacations and Abandonments of Easements or Streets.

1. What is the abandonment being requested?

SEE ATTACHED.

2. On which map or document (please include with application) is the easement or right-of-way first referenced?

SEE ATTACHED.

3. What is the proposed use for the vacated area?

SEE ATTACHED

4. What replacement easements are proposed for any to be abandoned?

SEE ATTACHED.

5. What factors exist or will be employed to prevent the proposed abandonment from resulting in significant damage or discrimination to other property in the vicinity?

SEE ATTACHED.

6. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the abandonment request? (If so, please attach a copy.)

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

ABANDONMENT APPLICATION ATTACHMENT

Location Information

Project Location:

The section of Twain Avenue that is requested to be abandoned runs between Highway 28 and Lake Tahoe and is bounded by Sand Harbor State Park to the South and by APN#130-331-10 to the North.

Applicant Information

Property Owner:

Name: The Steinheimer Residual Trust 'A'
M. Max Steinheimer and
Connie Jane Steinheimer, Co-Trustees
M. Max Steinheimer
Barbara G. Steinheimer
Connie Jane Steinheimer

Please note that the attached Preliminary Title Report lists "Milton Steinheimer, Successor Trustee of the Steinheimer Family Trust, U/A dated April 15, 1991, as to an undivided 3/5ths interest; subject to Item 10 contained herein". Item 9 (rather than 10 as indicated) states that on February 5, 1996, the 3/5ths interest was transferred from the Steinheimer Family Trust to The Steinheimer Residual Family Trust 'A', but that no Trustee was named. Under the terms of the Trust document (relevant pages attached) Milton Steinheimer became the Successor Trustee upon the death of his spouse, Alyce Steinheimer, and upon Milton Steinheimer's death, M. Max Steinheimer and Connie Jane Steinheimer became the Successor Co-Trustees. Certificates of Death for Milton and Alyce Steinheimer are attached.

1. What is the abandonment being requested?

The section of Twain Avenue that runs between Highway 28 and Lake Tahoe.

2. On which map or document (please include with application) is the easement or right-of-way first referenced?

(#236) Amended Rocky Point Subdivision

Portion of the S ½ of Lot 1, Section 26, T16N-R18E. See attached.

3. What is the proposed use for the vacated area?

One-half (12.5' in width) of Twain Avenue would expand Sand Harbor State Park and the other one-half (12.5' in width) would expand APN#130-331-10, facilitating a proposed remodeling project on that parcel.

4. What replacement easements are proposed for any to be abandoned?

To the applicant's knowledge, since its creation, Twain Avenue has never been used as an easement or right-of-way (ROW), and there is no probable use in the future. Consequently, no replacement is suggested nor warranted at this time.

In a typical case of a ROW abandonment of this nature, TRPA would request that the County retain an easement which would provide for the public's access down to the low water line (6,223.00) via a meandering pathway. This would involve a 20' wide easement for a possible future foot path from Highway 28 down to the lake. In addition, TRPA would typically request that the County retain an easement for the entire width of the ROW (which is 25') from the low water line (6223.00) up to at least elevation 6255.00 (the shore zone area) for future public use of the lake.

However, this particular ROW abandonment is significantly different from the typical situation and therefore warrants a different outcome. One-half of the ROW, or 12.5' of the width of Twain Avenue, from Highway 28 down to the lake, would be added to the northern end of Sand Harbor State Park. A very short distance to the south of this northern boundary are improved stairs and foot paths that lead from the highway down to the lake, and these existing foot paths provide excellent access to the lake for the general public. In fact, the general public is encouraged to use the existing foot paths and discouraged from creating new paths which could cause additional erosion control issues. Twain Avenue, as it exists today, is heavily vegetated and virtually impassable from the highway down to approximately elevation 6250.00, and from that elevation down to the lake, it is very steep rocky terrain which is impassable to, and generally unusable by, the public due to the steepness and rugged rocky outcroppings.

If a 20' wide public access easement were retained by the County for a possible future meandering foot path access to the lake, there would be no significant benefit to the public, since the public already has significant and better access to the lake via the park's existing foot paths. Although the park would be expanded by 12.5' through the requested abandonment, in reality, the public's access to the lake would not be meaningfully improved due to the rugged nature of the terrain. The additional 7.5' of potential future public access that could possibly be used someday in the future would not appreciably benefit the public, given the other access that exists in such close proximity and given the steepness and rugged character of the 7.5' strip of land in question.

Finally, although no use has been made of the ROW to date, and no readily apparent future use is envisioned, it should be noted that Romance Avenue exists approximately 200' to the north of the ROW requested to be abandoned. Romance Avenue is presently used by Incline Village General Improvement District (IVGID) to house a Sewage Pumping Station and thus it is very unlikely that Romance Avenue would ever change from a public ROW, and therefore would be available in the unlikely event that an access point were to be desired at some future point in time.

Based on the foregoing, it is requested that the ROW, commonly referred to as Twain Avenue, be abandoned and that 12.5' be added to Sand Harbor State Park and that 12.5' be added to APN#130-331-10 and that no easements be retained by the County. If it is determined that a 20' wide future public access easement should be retained by the County, it is respectfully requested that such easement be drafted in such a way as to start the 20' width from the southern boundary of the existing ROW.

5. What factors exist or will be employed to prevent the proposed abandonment from resulting in significant damage or discrimination to other property in the vicinity?

As a result of the proposed abandonment no significant damage or discrimination will result to other property in the area. To the contrary, Sand Harbor State Park, located to the South of the ROW, would be expanded as will APN#130-331-10 which is located to the North of the ROW. No other property is contiguous with the ROW and no other property owners, nor the general public, presently use the ROW for access to the lake due to the very heavy vegetation, the steepness of the rocky terrain and the ready and easy access presently available in the park just a short distance to the South.

DISPLAY: NEXT PREVIOUS FIRST LAST MORE END
DISPLAY NEXT RECORD IN QUERY

CLOSED

ENTAMATION ENTERPRISES INC.-----01/25/2008
PROPERTY ID 13033107 TOTAL DUE 0.00

OWNER STEINHEIMER RESIDUAL TRUST A
PROPERTY ADDRESS BILLING ADDRESS
01717 LAKESHORE BLVD 1140 ALPINE CIR
SEE 13033109,10 RENO NV

TAX DISTRICT 5200 89509
LOT 8 DOCUMENT NUMBER 01965460 ETAL
BLOCK G DOCUMENT DATE 02/05/1996
RANGE SPEC PROP CODE
SUBDIV ROCKY POINT ADD LTS 7 & SPEC OWNER CODE
MORTGAGE TOWNSHIP | S08
SUBD/LM SECTION
R/SURVEY PAR/MAP 0 TREASURER NOTE
PENALTY EXEMP N ANNEX 0 TREASURER NOTE 09/17/2007
CREDITS STATUS C TREASURER NOTE
0.00 ASSESSOR NOTE

PARCEL ID AREA MC DEL LAND IMPROVED DECLARED EXEMPTIONS ASSESSED
 130-331-07 5200 624,800 12,890 0 0 637,690

STEINHEIMER RESIDUAL TRUST A ETAL YEAR TAXING AGENCY.....RATE...TAX AMOUNT
 1140 ALPINE CIR 2007 COUNTY GENERAL 1.3057 8,326.31
 RENO NV 89509 ANIMAL SHELTER OP .0300 191.31
 COUNTY DEBT .0560 357.11
 INCLINE VILLAGE G .0711 453.40

INS	DATE DUE	AMOUNT DUE	DATE PAID		TAX AMOUNT
1	08/20/2007	5,380.30	08/23/2007	NORTH LAKE TAHOE	3,279.00
2	10/01/2007	5,377.00	10/03/2007	SCHOOL DEBT	2,477.43
3	01/07/2008	5,377.00	01/02/2008	SCHOOL GENERAL	4,782.67
4	03/03/2008	5,377.00	01/02/2008	STATE OF NEVADA	1,084.07
				INCLINE RECREATIO	560.00

PENALTY. .00 INTEREST... .00
 ADV.COST.... .00 MAIL COST..... .00

SUPP. AG/DEF. ADJUST.DATE.
 SITUS. 01717 LAKESHORE BLVD

COMMENTS(1).
 (2). 09/17/2007

TOTAL.. 3.2855 21,511.30

PRINT SCREEN THEN PRESS ENTER TO CONTINUE OR E TO EXIT



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, AICP, Community Development Director



ACTION ORDER

April 2, 2008

Steinheimer Residual Trust A
c/o Jeffery Ostomel
1140 Alpine Circle
Reno, NV 89509

Dear Applicant:

As filed with the Department of Community Development, the Washoe County Planning Commission, at its regular meeting of April 1, 2008, approved the following with six (6) conditions:

ABANDONMENT CASE NO. AB08-002 (STEINHEIMER RESIDUAL TRUST A) – To abandon the western portion of an undeveloped county right-of-way identified as Twain Avenue from State Route 28 down to the shoreline of Lake Tahoe (approximately 185 linear feet) as authorized in Article 806 of the Washoe County Development Code. The right-of-way is part of the Rocky Point Addition, Incline Village, Nevada, and abuts Lake Tahoe - Nevada State Park. The affected area is designated Medium Density Suburban, being a part of the Tahoe Area Plan, and is situated in a portion of Section 26, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (The abutting properties are identified as APNs 130-331-10 and 130-340-02.)

The approval was based on the following findings:

1. Comprehensive Plan. That the abandonment or vacation is consistent with the policies, action programs, standards and maps of the Comprehensive Plan and the applicable area plans;
2. No Detriment. That the abandonment or vacation does not result in a material injury to the public;
3. Existing Easements. That existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service; and
4. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

Letter to: Steinheimer Residual Trust A
Subject: Abandonment Case No. AB08-002
Date: April 2, 2008
Page: 2

Unless appeals are filed in the time period stipulated in the Washoe County Development Code, the decision by the Planning Commission is final.

Yours truly,



Adrian P. Freund, AICP
Director and Secretary to the Planning Commission

APF/EMK/cm (AB08-002F1)

xc: Midkiff and Associates, Inc., PO Box 12427, Zephyr Cove, NV 89448-2427

Tieslua Civil Engineering, PO Box 2297, Kings Beach, CA 96413

Blaine Cartlidge, Deputy District Attorney; Marge Clausen, Assessor's Office (CAAS);
Theresa Wilkins, Chief Appraiser, Assessor's Office; David Lindsey, Department of Water
Resources;

Letter to: Steinheimer Residual Trust A
Subject: Abandonment Case No. AB08-002
Date: April 2, 2008
Page: 3

**CONDITIONS FOR
ABANDONMENT CASE NO. AB08-002
STEINHEIMER RESIDUAL TRUST A
(As approved by the Washoe County Planning Commission on April 1, 2008)**

*****IMPORTANT—PLEASE READ*****

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

GENERAL CONDITIONS

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL OF DOCUMENTS TO BE RECORDED TO EFFECTUATE THE VACATION AND ABANDONMENT OF EASEMENTS OR STREETS. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS VACATION AND ABANDONMENT OF EASEMENTS OR STREETS IS THE RESPONSIBILITY OF THE APPLICANT, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE VACATION AND ABANDONMENT OF EASEMENTS OR STREETS IS JUST CAUSE TO WITHHOLD RECORDATION OF ANY DOCUMENTS TO EFFECTUATE THE VACATION AND ABANDONMENT OF EASEMENTS OR STREETS.

ALL CONDITIONS LISTED WITHIN THIS APPROVAL MUST BE SATISFIED TO EFFECTUATE THIS VACATION AND ABANDONMENT OF EASEMENTS OR STREETS APPROVAL. THE PROPERTY OWNER AND/OR APPLICANT ARE RESPONSIBLE FOR COMPLYING WITH ALL RELEVANT RULES, REGULATIONS, DEVELOPMENT STANDARDS, POLICIES AND PROCEDURES OF WASHOE COUNTY. WASHOE COUNTY RETAINS THE RIGHT TO ENFORCE ALL APPLICABLE ORDINANCES THAT ARE NOT WAIVED OR VARIED BY THE APPROVAL OF THIS APPLICATION.

Letter to: Steinheimer Residual Trust A
Subject: Abandonment Case No. AB08-002
Date: April 2, 2008
Page: 4

SPECIFIC CONDITIONS for ABANDONMENT CASE NO. AB08-002

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this abandonment action. The County Engineer shall determine compliance with this condition.
2. Prior to the recordation of the Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for the area of abandonment, the portion of the abandonment reverting to each abutting property owner, and any required replacement easements.
3. Retention of all public utility easements or relocation of all public utility easements to the satisfaction of and at no expense to Washoe County or the existing public utilities which originally accepted and approved said easements as well as any other public utilities now in existence which currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of new easements to said public utilities and the relinquishment by said public utilities of their former easements.
4. Prior to recordation of the Order of Abandonment, Tahoe Regional Planning Agency shall review and approve the new plat. The agency shall sign the final plat document before it is recorded.
5. The applicant shall record a public access easement from the waterline to the 6,250-foot elevation as part of the recorded plat.
6. The applicant shall comply with all conditions necessary to effect the Resolution and Order of Abandonment within two years from the date of the action by the Washoe County Planning Commission or this conditional abandonment will be null and void.

**** END OF CONDITIONS ****



Community Development

"Dedicated to Excellence in Public Service"
Adrian P. Freund, AICP, Community Development Director



Agenda Item No: 2

Staff Recommendation: **APPROVE WITH CONDITIONS**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

To: Washoe County Planning Commission

Re: Abandonment Case No. AB08-002

Date: 20 March 2008

Prepared By: Eva M. Krause, AICP

GENERAL INFORMATION SUMMARY

Applicant: STEINHEIMER RESIDUAL TRUST A

Requested Action: To abandon the western portion of an undeveloped county right-of-way identified as Twain Avenue from State Route 28 down to the shoreline of Lake Tahoe (approximately 185 linear feet) as authorized in Article 806 of the Washoe County Development Code. **The right-of-way is part of the Rocky Point Addition, Incline Village, Nevada, and abuts Lake Tahoe - Nevada State Park.** The affected area is designated Medium Density Suburban, being a part of the Tahoe Area Plan, and is situated in a portion of Section 26, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (The abutting properties are identified as APNs 130-331-10 and 130-340-02.)

RECOMMENDATION/FINDINGS

Based upon the staff analysis, comments received, and the site inspection, staff recommends approval of the request with conditions and offers the following motion for your consideration:

I move that the Washoe County Planning Commission conditionally approves Abandonment Case No. AB08-002 to abandon the Twain Avenue right-of-way from the west side of State Route 28 to the shoreline of Lake Tahoe having made the following findings in accordance with Washoe County Development Code Section 110.806.20:

1. Comprehensive Plan. That the abandonment or vacation is consistent with the policies, action programs, standards and maps of the Comprehensive Plan and the applicable area plans;

To: Washoe County Planning Commission
Re: AB08-002 (Steinheimer Residual Trust A)
Date: 26 March 2008
Page: 2

2. No Detriment. That the abandonment or vacation does not result in a material injury to the public;
3. Existing Easements. That existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service; and
4. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

ANALYSIS

Background:

The Rocky Point Subdivision was platted in 1933. No consideration of slopes or topography was given when the lots and streets of the subdivision were laid out. None of the roads recorded as part of the subdivision have been developed due to the steep slopes on which they were platted.

The subdivision is located just north of the Lake Tahoe State Park. Nevada Revised Statutes state that if the County acquired the property by dedication, the property may not be sold and ownership must revert to the abutting property owners in the proportion that the property was dedicated by them or their predecessors in interest. Since the State Park was not part of the subdivision that dedicated the land to County, it is not entitled to a portion of the land. If the County vacates the property, the entire twenty-five foot wide parcel will revert to the applicant. The site plan submitted with this application shows the right-of-way being split between the applicant's property and the Park. The final recorded plat will not show this split.

Land Use:

The area is designated Medium Density Suburban (MDS), but due to the steep slopes and rugged terrain, only the parcels along the highway have been developed. More than half of the lots in the subdivision have been retired from development and put into public ownership under the Burton-Santini Act.

Site Analysis:

The twenty-five foot undeveloped street separates the applicant's property from Lake Tahoe State Park. The property is overgrown with native vegetation and large trees. The site slopes down to the lake and has a steep, boulder strewn shoreline. The applicant's property has direct access onto State Route 28 and the platted right-of-way is not needed for access to other lots. There is no reason to develop this portion of Twain Avenue.

By vacating the right-of-way, the applicant will have a wider lot on which to build a new residence and will gain some additional coverage for development. Until a site assessment is completed by TRPA, the buildable area and coverage can not be determined.

To: Washoe County Planning Commission
Re: AB08-002 (Steinheimer Residual Trust A)
Date: 26 March 2008
Page: 3

SITE PHOTOGRAPHS



The Twain Avenue road easement is located to the left of the utility pole.



The upper portion of the right-of-way is wooded and gently sloping but drops steeply as it reaches the lake.

To: Washoe County Planning Commission
Re: AB08-002 (Steinheimer Residual Trust A)
Date: 26 March 2008
Page: 4



The small structure in the foreground is on the applicant's property. The dark roof in the background is built in the Twain Avenue right-of-way. The small building in the background marks the approximate limit of the proposed public easement.



If approved as recommended, this portion of the shoreline would have a public easement to allow access to the shoreline from the lake or from Nevada State Park land.

To: Washoe County Planning Commission
Re: AB08-002 (Steinheimer Residual Trust A)
Date: 26 March 2008
Page: 5

AGENCY COMMENTS

The plans were submitted to involved agencies and no adverse comments were received.

Public Works has submitted standard conditions of approval and noted that the entire 25 foot right-of-way would be offered to the property owner of APN 130-331-10. The park property was not part of the original Tract Map 236.

The Tahoe Regional Planning Agency requested that public access easements be created for the shoreline and a path from SR28 to the shore area.

No unique or extraordinary conditions of approval were requested. All of the conditions are related to the service needs and/or development impacts of the reviewing agencies resulting from the abandonment proposal.

RELEVANT TAHOE AREA PLAN POLICIES AND ACTION PROGRAMS

In addition to the Washoe County Development Code, the following excerpts of policies and action programs contained in the Tahoe Area Plan, being part of the Comprehensive Plan, are relevant to the proposed abandonment:

Scenic Areas

The Lake Tahoe-Nevada State Park in the southern portion of the planning area encompasses 13,700 acres and includes many miles of undeveloped shoreline, Sand Harbor State Beach and Marlette Lake. The scenic and natural quality of the state park is an important resource that is protected from development.

T.5.3 Coordinate the planning efforts of all agencies concerned with areas to be preserved, dedicated, and/or developed for open space, parks, and recreational uses in the Tahoe planning area.

A major concern expressed at Community Plan meetings is that much of the shoreline in Nevada is not in public ownership. The County does not want to create a new beach or boat launch, but allowing the public the right to climb amongst the rocks, beach a kayak or fish from the shoreline is important to the public. In order to preserve public access to the shoreline, staff recommends that a public easement be granted from the water's edge to the 6,250 foot elevation. The easement can be accessed from the lake, such as kayakers, and from the Nevada State Park Land. Because the property abuts Nevada State Park land, staff supports the applicant's argument that the County does not need to require an access easement from State Route 28 to the shoreline area.

The area of the proposed public easement is not developable; therefore, there is no loss of use to the property owner. The property owner can still enjoy the use of the shoreline, but they would have to allow others the opportunity to enjoy the shoreline too.

To: Washoe County Planning Commission
Re: AB08-002 (Steinheimer Residual Trust A)
Date: 26 March 2008
Page: 6

APPLICABLE REGULATIONS

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.806

VA08-002 (EMK)

Attachments: Supplemental Application information; Site Plan; Subdivision Map; Comment Letters/emails from: Tahoe Regional Planning Agency, Regional Transportation Commission, Public Works, Incline Village General Improvement District

xc: Property Owner: Steinheimer Residual Trust A, c/o Jeffery Ostomel, 1140 Alpine Circle, Reno, NV 89509

Professional Consultant: Midkiff and Associates, Inc., PO Box 12427, Zephyr Cove, NV 89448-2427

Others to be Contacted: Tieslua Civil Engineering, PO Box 2297, Kings Beach, CA 96413

To: Washoe County Planning Commission
Re: AB08-002 (Steinheimer Residual Trust A)
Date: 26 March 2008
Page: 7

**CONDITIONS FOR
ABANDONMENT CASE NO. AB08-002
STEINHEIMER**
(As recommended by Department of Community Development
and attached to Staff Report dated 20 March 2008)

*****IMPORTANT—PLEASE READ*****

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To: Washoe County Planning Commission
Re: AB08-002 (Steinheimer Residual Trust A)
Date: 26 March 2008
Page: 8

SPECIFIC CONDITIONS for ABANDONMENT CASE NO. AB08-002

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this abandonment action. The County Engineer shall determine compliance with this condition.
2. Prior to the recordation of the Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for the area of abandonment, the portion of the abandonment reverting to each abutting property owner, and any required replacement easements.
3. Retention of all public utility easements or relocation of all public utility easements to the satisfaction of and at no expense to Washoe County or the existing public utilities which originally accepted and approved said easements as well as any other public utilities now in existence which currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of new easements to said public utilities and the relinquishment by said public utilities of their former easements.
4. Prior to recordation of the Order of Abandonment, Tahoe Regional Planning Agency shall review and approve the new plat. The agency shall sign the final plat document before it is recorded.
5. The applicant shall record a public access easement from the waterline to the 6,250-foot elevation as part of the recorded plat.
6. The applicant shall comply with all conditions necessary to effect the Resolution and Order of Abandonment within two years from the date of the action by the Washoe County Planning Commission or this conditional abandonment will be null and void.

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Community Development staff at 775.328.6100.

Project Information		Staff Assigned Case No. AB12-001	
Project Name (commercial/industrial projects only):			
Project Description: Abandonment of Romance Avenue between NV HWY 28 & 3rd Street, in the Amended Rocky Point Subdivision, Incline Village, Nevada			
Project Address: Between 1708 & 1710 NV Hwy 28			
Project Area (acres or square feet): 5,235.5 square feet =2564.7sf + 2670.8sf			
Project Location (with point of reference to major cross streets AND area locator): On HWY 28, south 2,200' from the intersection of Lakeshore Blvd & HWY 28, (South East edge Incline)			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
✓ *130-332-04*	0.128 A=5,590.0sf		
130-332-05	0.109 A=4,749.5sf		
Section(s)/Township/Range: Section 26, T.16N., R.18E., M.D.B.&M.,			
Indicate any previous Washoe County approvals associated with this application: Case Nos.			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Susan J. Herz-Callahan, as Trustee 71%		Name: CLD Surveying	
Address: P.O. Box 4092		Address: P.O. Box 3876	
Incline Village, NV	Zip: 89450	Incline Village, NV	Zip: 89450
Phone:	Fax:	Phone: 775-831-7539	Fax: 775-831-7539
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person: Harold "Steve" Herz 831-4179		Contact Person: Conn Davis, PLS-NV	
Applicant/Developer:		Other Persons to be Contacted:	
Name:		Name:	
Address:		Address:	
	Zip:		Zip:
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Abandonment Application Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to vacations and abandonments may be found in Article 806, Vacations and Abandonments of Easements or Streets.

1. What is the abandonment being requested?

The 50' wide portion of Romance Avenue, between NV HWY 28 and 3RD Street, in the Amended Rocky Point Subdivision, Washoe County, Nevada, (see Tract Map 236).

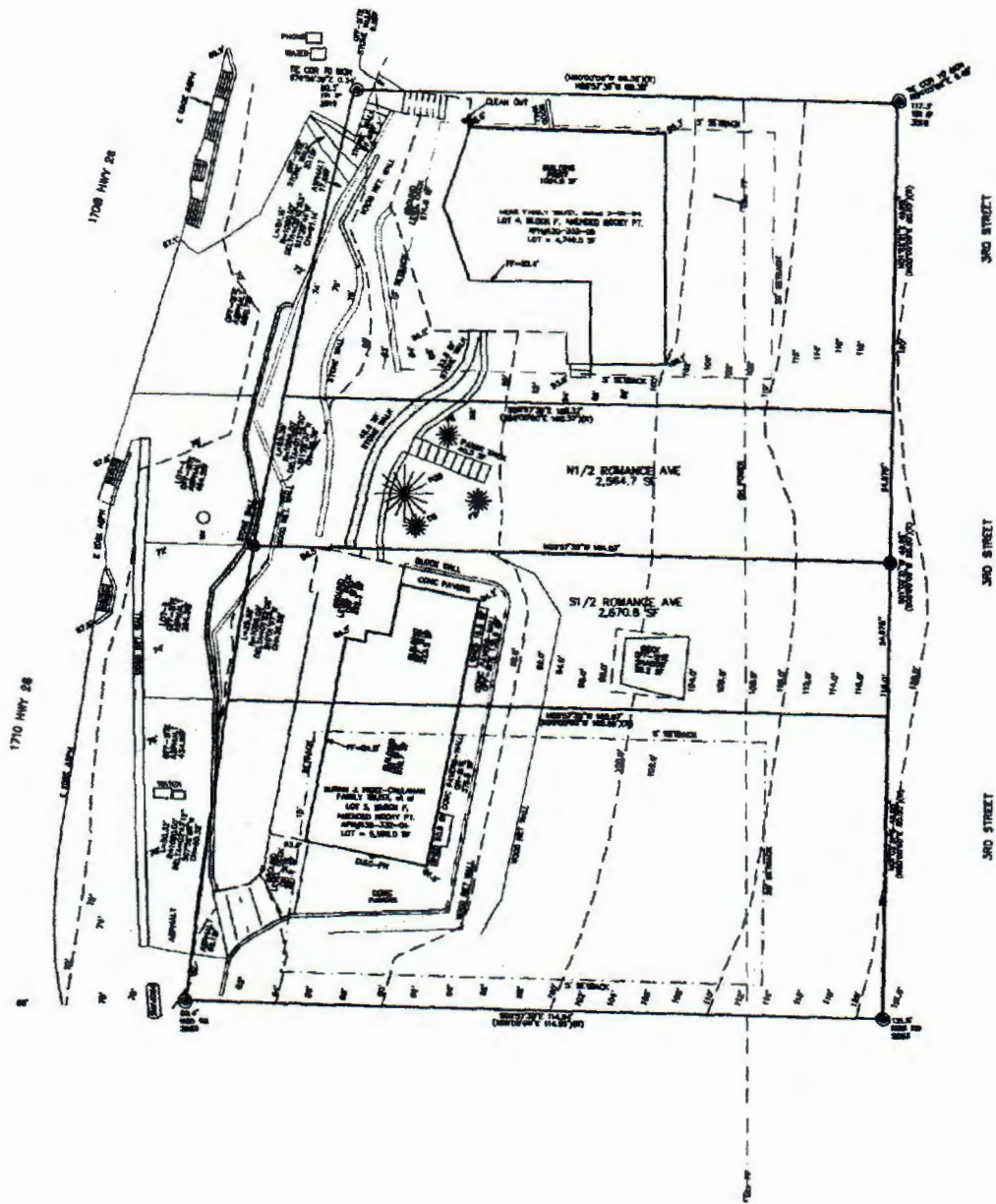
2. On which map or document (please include with application) is the easement or right-of-way first referenced?

On the Rocky Point Tract, Lake Tahoe, Washoe County, Nevada, (recorded August 8, 1908).

3. What is the proposed use for the vacated area?

The existing use of the portion to be abandoned are: One part of the house at 1710 NV HWY 28 blocks the South Half of Romance Avenue. Two the North Half of Romance Avenue contains Large Rocks, retaining walls and stone & paver walks. See the attached Site Survey showing such.

MAP TO SUPPORT AND APPLICATION TO ABANDON ROMANCE AVENUE
BETWEEN HWY 28 AND 3RD STREET



SURVEYORS CERTIFICATE

I, CONN DAVIS A REGISTERED LAND SURVEYOR IN THE STATE OF NEVADA DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME IN THE MONTH OF AUGUST, 2012, AND IS ACCURATE TO THE BEST OF MY BELIEF.

DATE

CONN DAVIS, PLS 7880



SCALE: 1"=30'

CLD SURVEYING
WATER RIGHTS & LAND

P. O. BOX 3876
INCLINE VILLAGE, NEVADA 89450

CONN DAVIS, Surveyor

Phone 775-851-7539

Conn Davis,
SURVEYOR

CLD SURVEYING
POB 3876
Incline Village, Nevada 89450

775-831-7539
off & fax

Sept 14, 2012

Washoe County Department of Community Development
Reno, Nevada

Re: Abandonment of Romance Avenue between APN #130-332-04 & #130-332-05

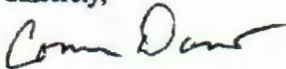
Dear Department of Community Development

There are several reasons why Romance Avenue between APN#130-332-04 & 130-332-05 should be abandoned.

- 1) Only one of the uphill lots above 3rd Street, was annexed to IVGID in 1982, and it is the one owned by the Jones Family Trust, (APN#130-333-04). Since they are in IVGID they can hook up to IVGID water and sewer at their own expense. Note, they have no physical access, which will be shown below. Also, they could not park down in the HWY ROW and walk up to their lot, because there is no place in the HWY ROW for them to park.
- 2) The remainder of the uphill lots, are not in IVGID and cannot hook up to IVGID sewer and water without joining IVGID. An attempt to do this was made in 1982 by a developer but was not completed as TRPA would not approve the development of these lots. Note, it would have been much easier to get IVGID and TRPA approval in 1982 than now.
- 3) Another reason that IVGID and TRPA would not approve the development of these upper lots is that they do not have physical access. Tunnel Creek Road is the only physical access to these lots and it is only a one lane dirt road. Also, a portion of Tunnel Creek Road through the Ponderosa Ranch area is private.
- 4) It would be impossible to build an approved road in this portion of Romance Avenue, mainly because the available site distance is not adequate for a road intersection. It is only about 100' to 150' coming from the south.
- 5) The main problem is that the slope of Romance Avenue is about 44% from HWY 28 to 3rd street, which can be seen on my topographic survey.
- 6) Another reason is that the house along with its deck which is supposed to be on APN#130-332-05 extends to the middle of Romance Avenue. Also, the retaining walls, block any possible use of Romance Avenue.
- 7) Since 1982 many attempts have been made to acquire these upper lots for donation to NV State or the BLM. Currently many of the lots are owned by NV State and the BLM.

For these reasons I request that you approve the abandonment of Romance Avenue between HWY 28 and 3rd street.

Sincerely,



Conn Davis, PLS 7880 NV
775-831-7539 off & fax

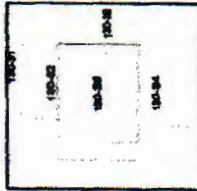
Assessor's Map Number
130-33

STATE OF NEVADA

**WASHOE COUNTY
ASSESSOR'S OFFICE**
Joshua G. Wilson, Assessor
1001 East Nevada Street
Reno, Nevada 89402
(775) 333-3301



Scale
1 inch = 100 feet

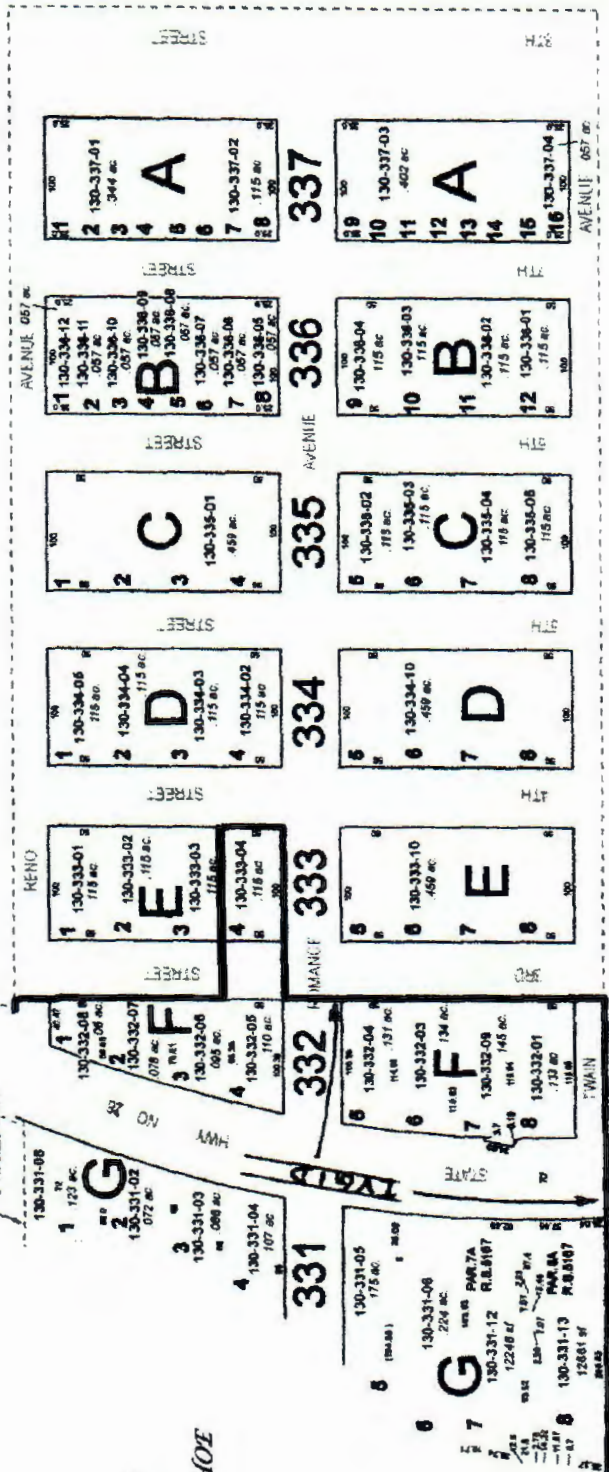


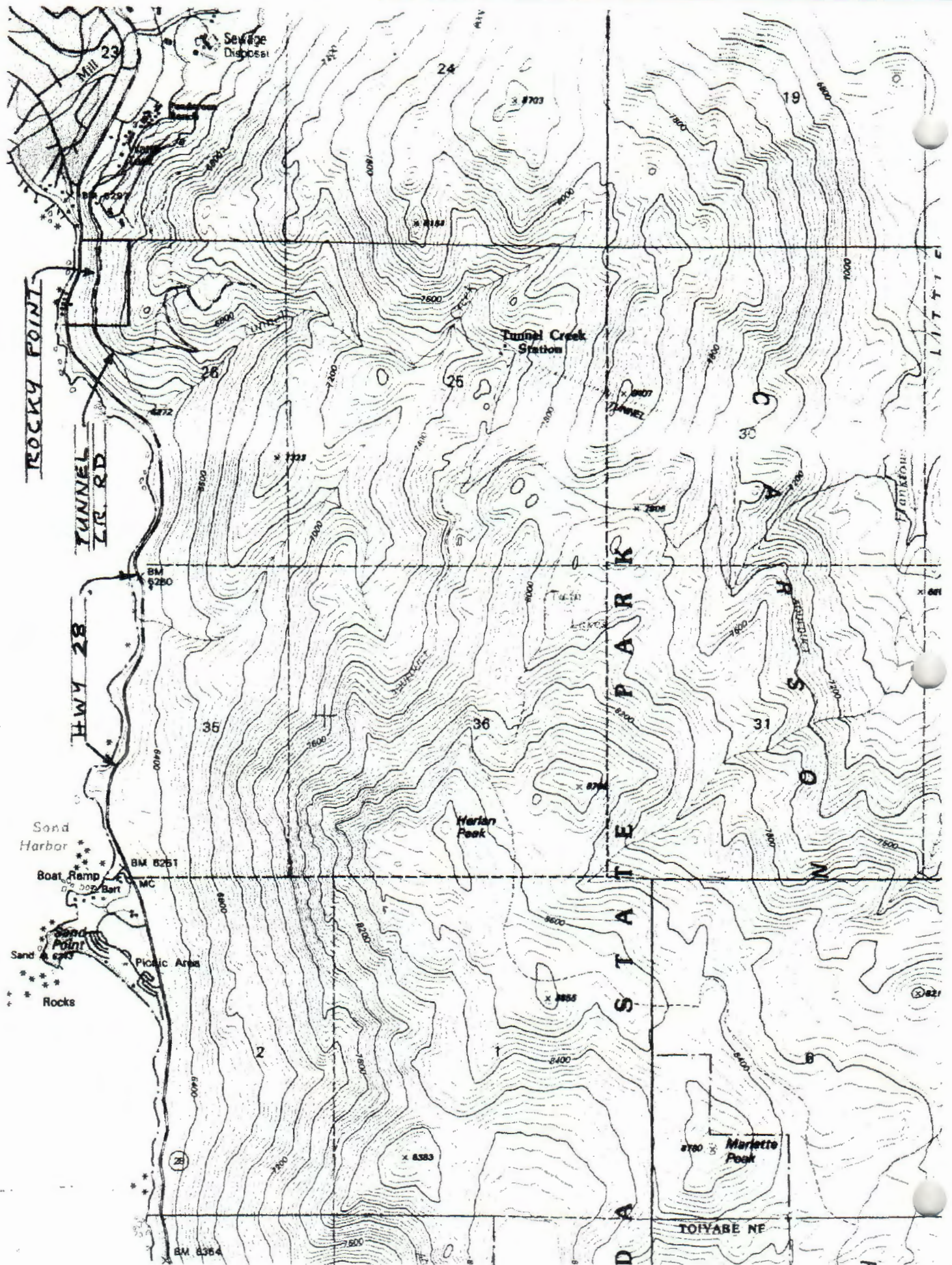
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Last Update: **CFB 08/28/2011**

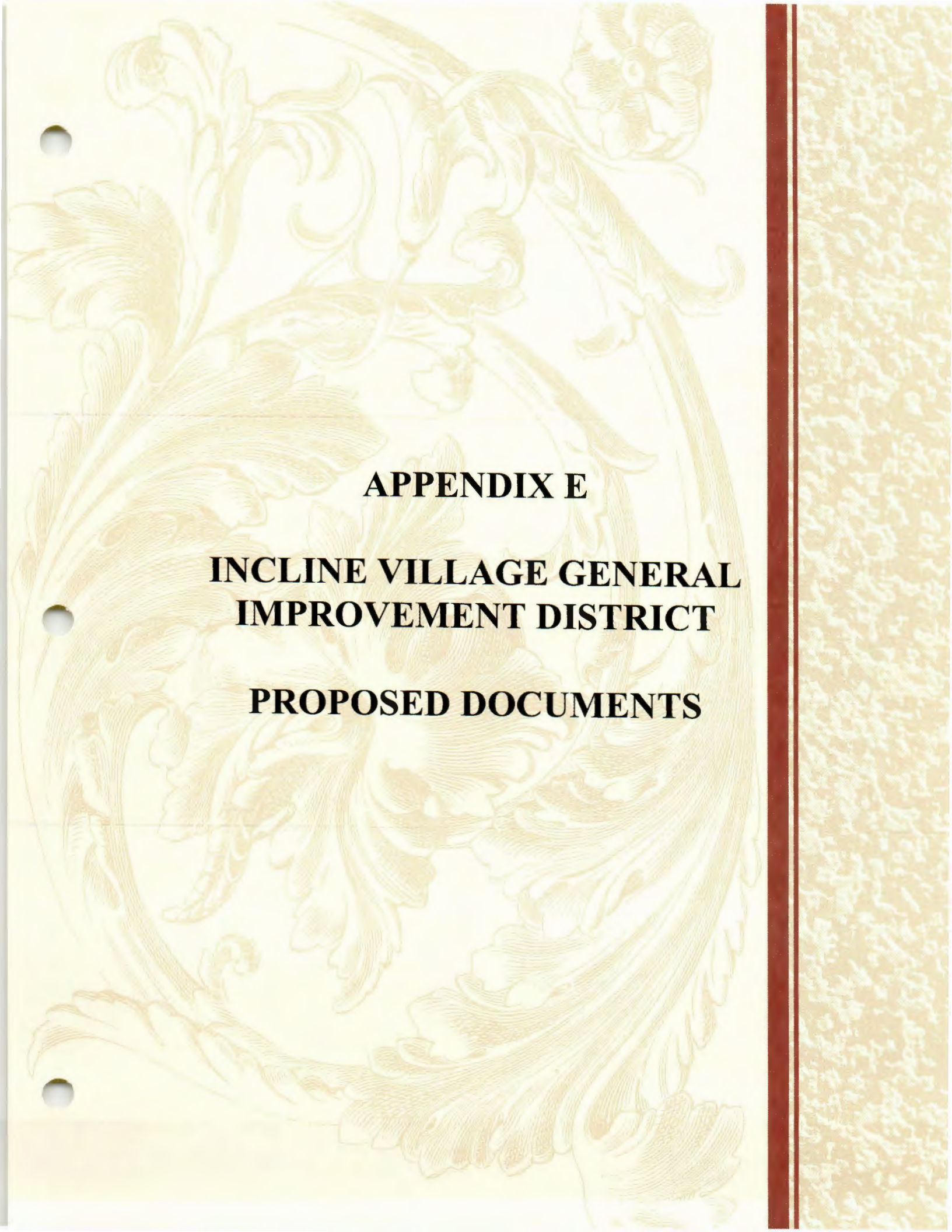
Not a warranty or endorsement
08-3-08

NOTE: This map was prepared for the use of the Washoe County Assessor for assessment and tax purposes only. It shows no warranty or endorsement by the Assessor's Office. It is the responsibility of the user to verify the accuracy of the information shown on this map.

(#236)
AMENDED ROCKY POINT SUBDIVISION
PORTION OF THE S 1/2 OF LOT 1, SECTION 28, T18N-R18E.







APPENDIX E

**INCLINE VILLAGE GENERAL
IMPROVEMENT DISTRICT**

PROPOSED DOCUMENTS

Art O'Connor

APN:

AFTER RECORDING, Mail to:

Incline Village General Improvement District
1220 Sweetwater Road, Incline Village, Nevada 89451
Attention: Art Johnson

Access Easement

THIS INDENTURE, made this ____ day of _____, 19____, by and between (), hereinafter referred to as the "Party of the First Part," and INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, hereinafter referred to as the "Party of the Second Part,"

WITNESSETH:

THAT FOR AND IN CONSIDERATION OF the sum of ONE DOLLAR (\$1.00), cash-in-hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the Party of the First Part has this day bargained and sold and by these presents does bargain and sell, transfer, and deliver unto the Party of the Second Part, a perpetual non-exclusive easement and right-of-way for ingress and egress, to maintain, repair, replace, and rebuild underground pipelines, drains, and/or mains for the purpose of conveying water and sewage over, across, through and under the lands hereinafter described, provided the Party of the Second Part has the obligation to maintain the site in its as-found condition.

THE PARTY OF THE FIRST PART covenants that no improvements shall be placed or erected on subject property without prior written approval by the Party of the Second Part.

THE LAND AFFECTED by the grant of this easement and right of way is located in the County of Washoe, State of Nevada, and is more particularly described in the attached Exhibit "A."

TO HAVE AND TO HOLD said easements and rights of way unto the Party of the Second Part and unto its successors and assigns forever.

IN WITNESS WHEREOF, the Party of the First Part has executed these presents the day and year first above written.

By: _____

By: _____

STATE OF)
)
COUNTY OF) ss

On this ____ day of _____, 19____, personally appeared before me, a Notary Public in and for the said County and State, _____, known to me to be the person(s) described herein and who executed the foregoing instrument and duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes mentioned therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above in this certificate.

NOTARY PUBLIC

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first above written.

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, a political subdivision:

By: _____
Joseph Borgerding, District Engineer

STATE OF)
) ss
COUNTY OF)

On this ____ day of _____, 20 ____, personally appeared before me, a Notary Public in and for the said County and State, _____, a duly authorized representative of Incline Village General Improvement District, known to me to be the persons described herein and who executed the foregoing instrument and duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes mentioned therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above in this certificate.

Notary Public

APN:

AFTER RECORDING, Mail to:

Incline Village General Improvement District
1220 Sweetwater Road, Incline Village, Nevada 89451
Attention: Art Johnson

ENCROACHMENT AGREEMENT

THIS AGREEMENT is entered into this _____, 20 ____, by and between INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, a political subdivision of the State of Nevada, hereinafter referred to as "IVGID", and (), hereinafter referred to as "User".

WITNESSETH:

WHEREAS, User is the owner of the following described property: Lot (), Block (), (), APN (), and

WHEREAS, IVGID is engaged in providing utility services within its service areas and is the owner and holder of certain perpetual easement and right of way over and through the following property of User: described as () and

WHEREAS, User (has constructed)(desires to construct), use(s) and maintain(s) certain improvements within and upon the easement area(s) owned and possessed by IVGID, said improvements consisting of (); and

WHEREAS, IVGID is willing to consent to the (existing)(proposed) construction, use and maintenance of the above-described improvements by User, within the right(s) of way of IVGID's easement(s), subject to the following promises, terms, conditions and limitations:

NOW, THEREFORE, in consideration of the mutual promises, detriments, covenants and conditions herein contained, IVGID and User agree and follows;

1. Easement Ownership: User recognizes without qualification IVGID's priority of title and ownership of the hereinabove described easement location(s), acknowledging the exclusivity of the easement location(s).
2. Grant to construct: Subject to IVGID's written approval, which approval shall not be unreasonably withheld, IVGID grants the User the right to (construct) (retain) said improvements consisting of: (); as referenced by Washoe County Building Permit No. ().
3. User Liability: User shall be liable for and promptly pay all costs of demolition and removal of said improvements, including any excavation or other work, materials and costs needed and made necessary by the presence of the improvements, should IVGID need to open said easement location(s) for new construction or maintenance, repair and replacement of existing pipelines/mains and related facilities.
4. Hold Harmless, Indemnifications: User shall indemnify and hold harmless IVGID and its directors, officers and employees from and against any and all actions, suits, causes of action or suits, costs, claims, demands, expense, loss or liability for any injury to or death of any persons, or damage to any property, including IVGID's or User's, arising out of or in any way connected with the common use or occupancy of the said right(s) of way, easement location(s), unless such claims, losses or liabilities, etc. are the result of negligent or willful act of IVGID, its employees, contractors or representatives, in which case IVGID shall indemnify and hold harmless User.
5. Running of Benefits and Burdens: All provisions of this Agreement including the benefits and burdens shall run with the land described and are binding upon and inure to the parties hereto, their heirs, personal representatives, tenants, successors and assigns.
6. Attorney's Fees: Either party hereto may enforce this Agreement by appropriate legal action. The prevailing party in any such action shall recover its costs and reasonable attorney's fees.

7. Entire Agreement: This document contains the entire Agreement between the parties relating to the rights and obligations herein contained and any oral representations or modifications concerning this instrument shall be of no force and effect. This Agreement may be modified only by a writing signed and executed by all parties hereto.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first above written.

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT,
a political subdivision:

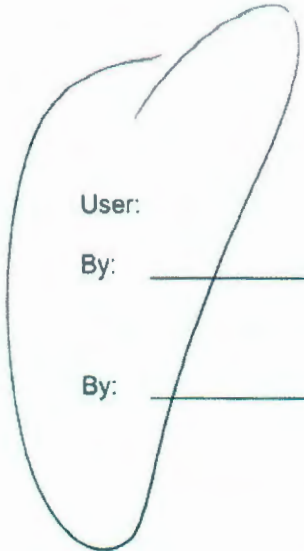
By: _____

STATE OF)
) ss
COUNTY OF)

On this _____ day of _____, 20 ____, personally appeared before me, a Notary Public in and for the said County and State, _____, a duly authorized representative of Incline Village General Improvement District, known to me to be the persons described herein and who executed the foregoing instrument and duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes mentioned therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above in this certificate.

NOTARY PUBLIC



User:

By: _____

By: _____

STATE OF
COUNTY OF

)
) ss
)

On this _____ day of _____, 20 ____, personally appeared before me, a Notary Public in and for the said County and State, _____, known as User herein, known to me to be the persons described herein and who executed the foregoing instrument and duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes mentioned therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above in this certificate.

NOTARY PUBLIC



APPENDIX F

PROPOSED IMPROVEMENTS

MAP NARRATIVE

This map depicts the proposed improvements on the northerly portion of Romance Avenue, which is not being abandoned. It also shows a possible use for the abandoned southerly portion of Romance Avenue. The Dixons have a grandfathered buoy and mooring right under the new 2019 TRPA code of Ordinances, Chapter 84.3, as amended 25 August 2019. This Code revision established a buoy and mooring registration system with existing and grandfathered structures required to be registered by 30 September 2019. Receipts for the Dixons' registrations are included herewith.

The aerial photograph is from the Washoe County GIS, downloaded on 14 October 2019. It shows the near low water conditions in the Fall of 2017.

The floating dock depicted on this map in the teal color is the lowest impact single-owner construct possible. TRPA prefers "community" piers, where more than one owner share the same construct. Presently, negotiations are happening between the Dixons, the Finneys and the Steinheimers, the three owners with property along the Lake south of Romance, to join together and construct a "community" pier.

The new Turfstone driveway and path, along with the proposed new public deck and the IVGID lift station fencing, are shown in magenta. Underlying the proposed public dock and access stairs is the existing non-permitted construct, shown in brown, which will be removed as part of this proposal. The existing and new property lines are shown in red. The residence and detached garage on the Dixon's property are existing and were constructed in 2012 or earlier. The residence and detached garage shown on the Finney property is currently under construction and not occupied.

Thank you for submitting mooring permit/registration request #11272 for the property identified below to the Tahoe Regional Planning Agency (TRPA). Your registration/application will be reviewed by TRPA staff and you will be contacted if more information is necessary for our review, if permit application fees are required, or when your annual registration fee payment is due (if applicable).

You can check the status of your request at the TRPA [Mooring Permitting and Registration System](#).

Property

APN	Address
130-331-05	1713 LAKESHORE BLVD, INCLINE VILLAGE, NV 89451

Moorings

Type	Quantity
Buoy	1

Mailing Address for Buoy Tags:

Lee Herz Dixon
14080 Edmands Dr,
Reno, NV 89511

Important Information

- The registration renewal period for 2020 will open on January 2, 2020; renewals must be completed by June 30, 2020.
- A BMP Certificate is required prior to all registration renewals for the 2020 boating season.
- Registration fees must be paid annually for each permitted mooring.
- Buoys must conform with the development and location standards in TRPA Code of Ordinances Section 84.3.3.D.2.
- Buoy tag(s) will be mailed to the address above. Tags are not required for lifts and slips.
- You are responsible for affixing the buoy tag(s) to the buoy(s) within two weeks upon receipt of the tag(s).
- Buoys shall not be relocated without prior TRPA approval.
- Buoy floats, tackle, and anchors shall be inspected and maintained to prevent loss or damage to boats or other structures. You are responsible for contacting other regulatory agencies with potential jurisdiction over the approved mooring(s) to determine the permitting requirements of those agencies.

Thank you,

Tahoe Regional Planning Agency
128 Market Street
PO Box 5310
Stateline, NV 89449
(775) 588-4547
trpa@trpa.org

Thank you for submitting mooring permit/registration request #11273 for the property identified below to the Tahoe Regional Planning Agency (TRPA). Your registration/application will be reviewed by TRPA staff and you will be contacted if more information is necessary for our review, if permit application fees are required, or when your annual registration fee payment is due (if applicable).

You can check the status of your request at the TRPA [Mooring Permitting and Registration System](#).

Property

APN	Address
130-331-05	1713 LAKESHORE BLVD, INCLINE VILLAGE, NV 89451

Moorings

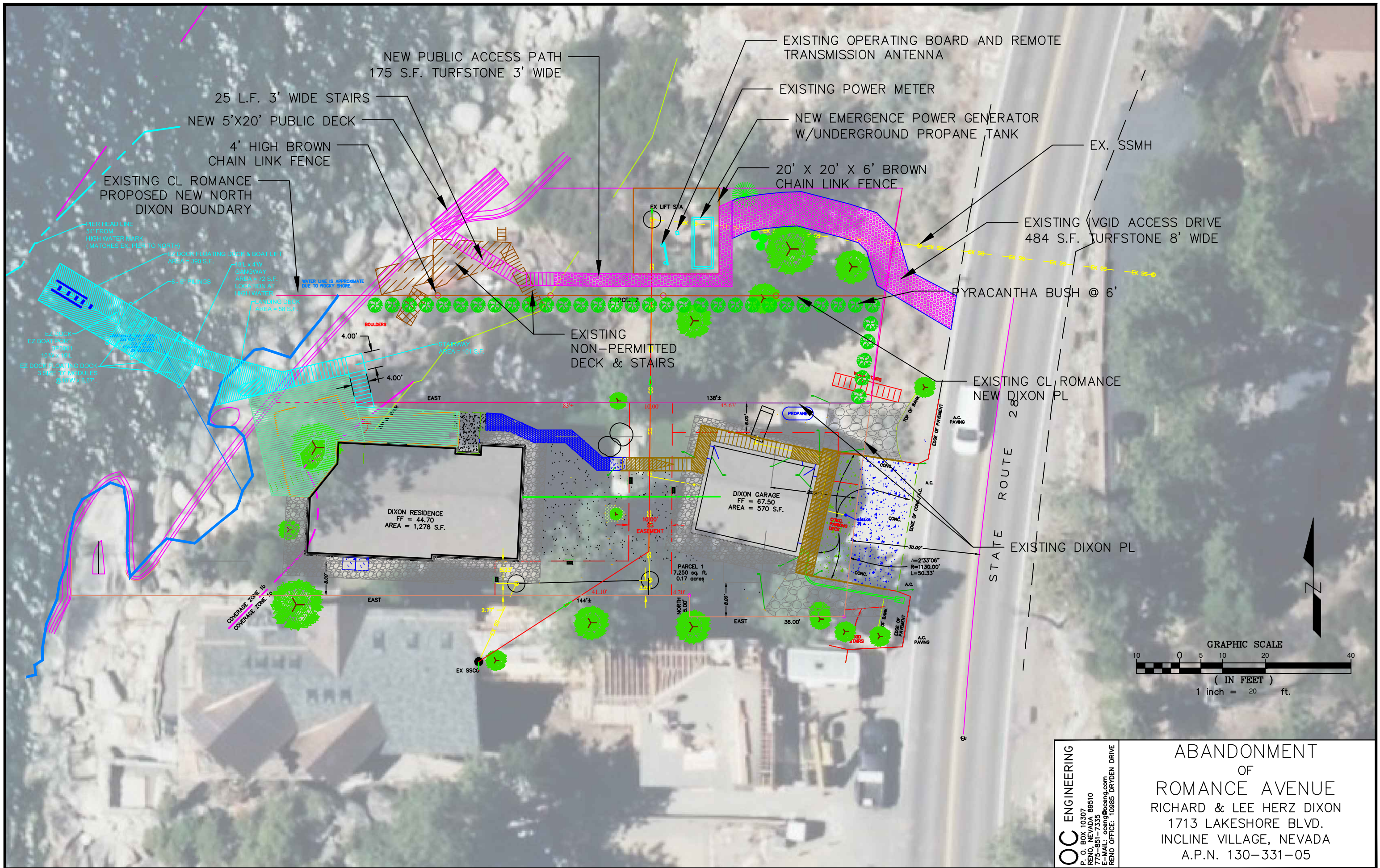
Type	Quantity
Lift	1

Important Information

- The registration renewal period for 2020 will open on January 2, 2020; renewals must be completed by June 30, 2020.
- A BMP Certificate is required prior to all registration renewals for the 2020 boating season.
- Registration fees must be paid annually for each permitted mooring.

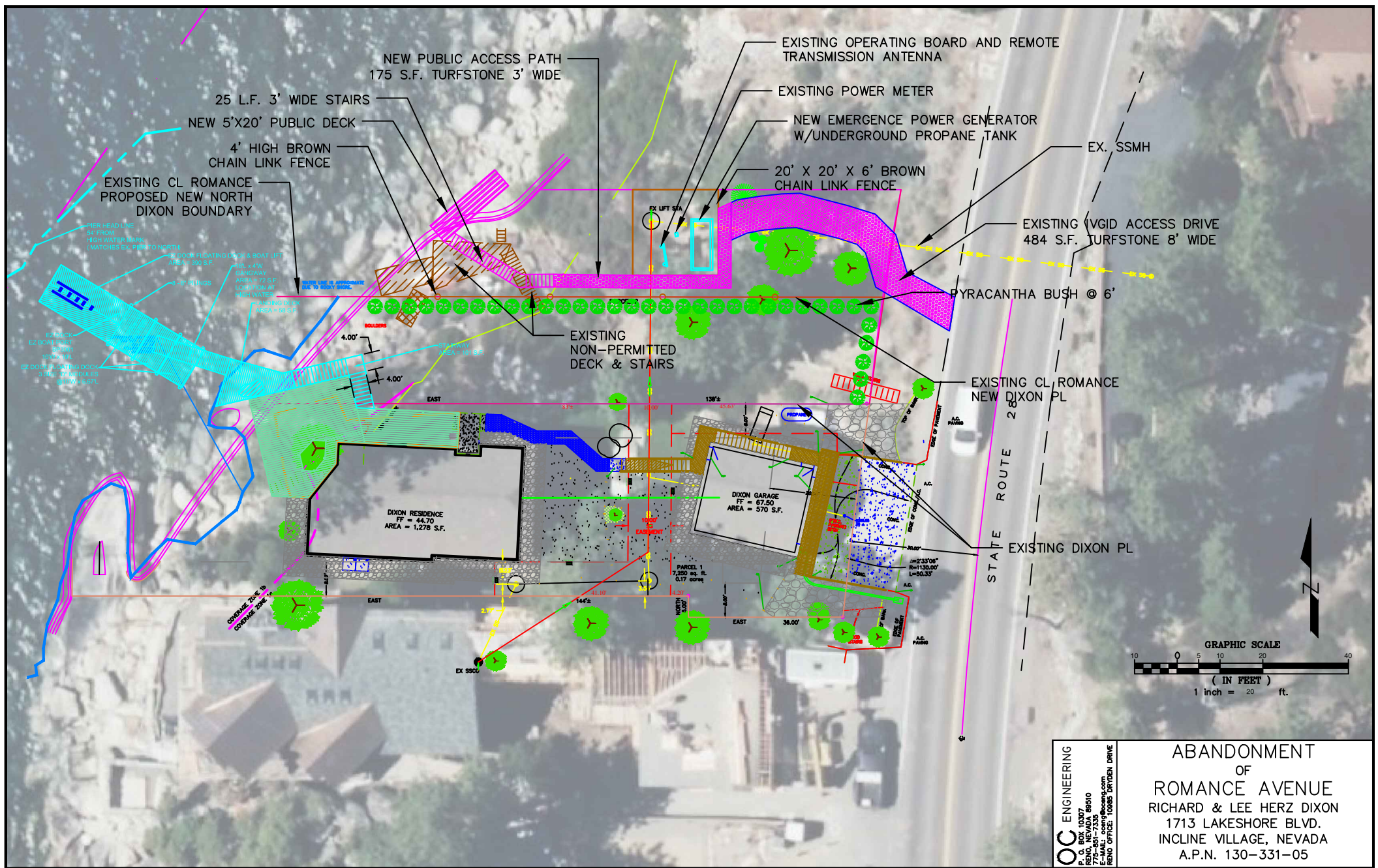
Thank you,

Tahoe Regional Planning Agency
128 Market Street
PO Box 5310
Stateline, NV 89449
(775) 588-4547
trpa@trpa.org



OC ENGINEERING
 P. O. BOX 10307
 RENO, NEVADA 89510
 775-851-7335
 E-MAIL: ocengineering.com
 RENO OFFICE: 10885 DRIDEN DRIVE

ABANDONMENT
 OF
 ROMANCE AVENUE
 RICHARD & LEE HERZ DIXON
 1713 LAKESHORE BLVD.
 INCLINE VILLAGE, NEVADA
 A.P.N. 130-331-05



NEW PUBLIC ACCESS PATH
175 S.F. TURFSTONE 3' WIDE

25 L.F. 3' WIDE STAIRS
NEW 5'X20' PUBLIC DECK

4' HIGH BROWN
CHAIN LINK FENCE

EXISTING CL ROMANCE
PROPOSED NEW NORTH
DIXON BOUNDARY

EXISTING OPERATING BOARD AND REMOTE
TRANSMISSION ANTENNA

EXISTING POWER METER

NEW EMERGENCE POWER GENERATOR
W/UNDERGROUND PROPANE TANK

20' X 20' X 6' BROWN
CHAIN LINK FENCE

EX. SSMH

EXISTING VGRID ACCESS DRIVE
484 S.F. TURFSTONE 8' WIDE

PYRACANTHA BUSH @ 6'

EXISTING
NON-PERMITTED
DECK & STAIRS

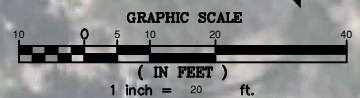
EXISTING CL ROMANCE
NEW DIXON PL

DIXON RESIDENCE
FF = 44.70
AREA = 1,278 S.F.

DIXON GARAGE
FF = 67.50
AREA = 570 S.F.

STATE ROUTE 260

EXISTING DIXON PL



OC ENGINEERING
P. O. BOX 10307
RENO, NEVADA 89510
E-MAIL: ocengineering.com
RENO OFFICE: 10685 DRYDEN DRIVE

ABANDONMENT
OF
ROMANCE AVENUE
RICHARD & LEE HERZ DIXON
1713 LAKESHORE BLVD.
INCLINE VILLAGE, NEVADA
A.P.N. 130-331-05